



Shared social responsibility: putting theory into practice

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This publication has received financial support from the Directorate General of Employment, Social Affairs and Inclusion of the European Commission

Trends in Social Cohesion, No. 24

Council of Europe Publishing

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Cover design: Documents and Publications Production Department (SPDP), Council of Europe
Layout: Jouve, Paris

Council of Europe Publishing
F-67075 Strasbourg Cedex
<http://book.coe.int>

ISBN 978-92-871-7344-7

© Council of Europe, December 2012
Printed at the Council of Europe

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Foreword

In today's world, it is impossible to build confidence in the future without having a sense of vision or societal objectives that can be shared by the greatest number of stakeholders and citizens, above and beyond differences in gender, age, culture or socio-professional situations. How can confidence be achieved when, even within a living community such as a town or neighbourhood, the gap between the availability of and access to goods, resources and knowledge, and between the decision-making processes and their consequences, tends to become even wider in a context of crisis, when there are ever greater barriers to mutual understanding and to joint actions seeking to promote sharing? This situation leads to arbitrary conduct and a tolerance of injustice. It also leads to a disregard for the impact of choices on the lives of others, the environment and the generations to come.

The reflection on the sharing of social responsibilities as proposed by the Council of Europe, and which serves as the basis for the draft European charter of shared social responsibilities,¹ paves the way for asserting concepts and forms of behaviour that, while acknowledging differences in status and authority, can nevertheless promote multiple opportunities for deliberation, joint decision making, co-operation and reciprocity between players of diverse and complementary experience, knowledge and interests. If we are to avoid conflict and destruction in the face of growing interdependence, it is essential to reformulate the current societal choices made by taking a second look at people's real needs; and bridge the gap between what is available and what can be accessed, between decisions and their impact. Choices and needs – two concepts which determine the scope of freedom in our societies – have all too often been reduced to individual needs or one type of interest. If we are to draw people closer together, in an approach of shared responsibilities, we need to learn how to make new choices, ones that will ensure societal balance. Sharing responsibility for choices means reformulating them so that social, intergenerational and environmental justice lie at their very heart. To this end, it is essential to take into account their consequences on others, on future generations and on the living environment. Individual choices can be oblivious to wider consequences, but when they are shared, their impact, through the democratic dynamics inherent in such an approach, can be fully taken on board.

1. See: Draft charter on shared social responsibilities, under "Related documents", at www.coe.int/t/dg3/socialpolicies/socialcohesiondev/.

This volume, like the previous one on the same theme, calls for us to take action by once again heeding a key social function: when making choices and decisions, taking into consideration the expectations and preferences of the different players and of citizens and focusing on transparency when assessing the impact. Failure to exercise this function will destroy our human, natural and knowledge- and solidarity-based resources, without which efforts to make any long-term progress would be to no avail. The consequences of this would be an even greater waste than the one we are faced with today.

By advocating an approach of shared social responsibilities, this volume also takes a fresh look at conceptual and legal frameworks, and goods as facilitators of life together. This is why it is so important to explore the extent and transformational capacity of common goods and all processes to pool resources as a key means of responding effectively to humankind's need for protection, creativity and sense of community, at the same time expanding a range of possible solutions to the challenges of today.

It is our hope that this publication will contribute to social debate and alert citizens and all other players to the need to develop opportunities for multi-stakeholder, multi-level and multi-sectoral exchanges, decision taking and action, providing the same opportunities for the weakest as for the strongest and placing an emphasis on equitable access in a long-term perspective.

Gilda Farrell

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Introduction

(Re)learning to share social responsibilities to build a secure and dignified future for all

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1. Contradictions and crises: the effects of organised social irresponsibility

Europe (and indeed the whole world) is going through a period of uncertainty which, in many respects, is unprecedented. If the historian Eric Hobsbawm described the 20th century as “the age of extremes”, having in mind, on the one hand, the emancipating power of the people’s struggles for freedom and democracy, and on the other, the destructive power of dictatorships and war, we could perhaps term the new century as “the age of contradictions”. In the absence of a global and long-term vision based on the shared principles of justice, supported by coherent action and evaluation strategies, there is a danger that these contradictions will violently erupt, jeopardising the social and political achievements of the last century and the very future of humanity. And this could come about despite the unparalleled accumulation of resources, productive factors and knowledge, and above all despite the almost universal proclamation of democracy, the rule of law and human rights as the foundations of a well-organised society.

The ability to produce goods and services has never been so important as it is today. And yet, this ability is largely disconnected from individuals’ purchasing power and real needs, and from the environment’s capacity for self-regeneration. Production is now fragmented across the whole world: capital, technological knowledge and natural resources are brought together in any region of the world, providing work for billions of people, including millions of new workers each year, many of whom are working outside their country of birth. However, not all stakeholders benefit equally from this enormous collective effort. In recent decades the “world system” has become more multi-polar, but it has also accentuated, if that were possible, its hierarchical nature. Around the old and new “centres” are numerous “peripheries” and “quasi-peripheries”, in which living conditions are deteriorating.

In this context, control of production and the acquisition of added value are concentrated in the hands of the large transnationals; wealth distribution has become increasingly less egalitarian; the ability to consume and access essential goods such as water, food, fertile land or energy is dramatically inconsistent; the effects of the exploitation of humans and nature are felt most severely by the most vulnerable; and the abundance of real and virtual money feeds speculation and both household and state indebtedness, while at the same time there is an accumulation of great wealth.

No other civilisation has ever had the vast range of knowledge that we have today, nor the technological capability to fundamentally change reality in line with established plans, such precise tools for monitoring and forecasting social and natural phenomena, nor such numerous and rapid means of transport and communication. Yet, not all of human society is able to benefit from this knowledge: it tends to be appropriated by a rationale of power and profit, instead of serving the well-being of all, of eradicating hunger, thirst, lack of education and information, and of protecting those most vulnerable to disease, natural disasters and the risks inherent in a globalised society. In this way, the democratic potential associated with the free creation and dissemination of knowledge is under threat: new communication technologies are used to manipulate public opinion or make huge profits through financial speculation, and barriers are placed on access to medicines, to the Internet and to the information which could oblige governments and companies to account for their activities. Attempts are made to deny the validity of skills and social experiments that challenge the status quo.

The freedom to choose one's way of life is established as a guiding principle of society, particularly in Europe and the United States. Yet most people in the world, including many Europeans, have very limited independence because they lack the resources needed to exercise a genuine freedom of choice or because they have no alternatives to the choices determined by the existing social model. Election procedures, freedom of the press and association, and constitutional agreements which previously were exclusive to the West are now accepted in virtually all countries of the world, at least on paper. Nonetheless, numerous doubts weaken public confidence in representative democracy. The opposition between the main political parties, which previously made it possible to differentiate and choose between different political programmes, is now a pure media spectacle. Basically, their positions end up converging into a single approach which puts the demands of the economy above political vision and the needs of society. At the same time, the assemblies of elected

representatives are increasingly relinquishing their powers to private organisations such as rating agencies or to anonymous mechanisms such as the financial markets which, just like citizens, “vote” every day.

Some of these contradictions emerged in 2008, giving rise to the structural crisis in which we now find ourselves. It is no coincidence that, unlike previous crises, this one began in the former world-system “centres”, such as the United States and western Europe, before its effects were felt on a global scale. Moreover, unlike all previous crises, including the one which broke out in 1929, the current crisis does not appear to be able to be addressed simply by kick-starting growth, or by a “jobless recovery”, or by restructuring production through cost reduction. It has to cope, on the one hand, with the planet’s environmental limits and, on the other, with the social limits of inequalities, the expansion of which in recent years is unsustainable both economically and morally.

Obviously, there are several explanations for the contemporary contradictions and the crises that have emerged as a result. Here, we are suggesting understanding these phenomena as, among other things, the effects of organised or systemic social irresponsibility. In contrast, we could put forward the idea and practice of shared social responsibility. This concept, with the associated implementation strategies, is one possible solution to the difficulties referred to above and an alternative to the threat of regression caused by the crisis in terms of individual and collective well-being, democracy, access to rights, living and working conditions and the quality of social relations and the environment, while incorporating concern for future generations in decision-making processes.

Social irresponsibility can be defined as a state of affairs in which public institutions, organisations, groups and individuals are not or cannot be held responsible for the consequences of their acts or omissions on the well-being of others, and in general on social cohesion and the environment of a given area. This irresponsibility may be regarded as organised or systemic since it is part of the social structure itself, taking place, moreover, in explicit or implicit violation of the generally accepted moral, social and legal obligations.

The violation of the rules and regulations pertaining to social responsibility is made all the easier by the functional differentiation of the typical roles of contemporary societies, combined with the growing power differential and spatio-temporal distance separating the different players, that is, those involved in an interaction and those who are (or will be) affected by its consequences. These phenomena, specific to modern societies, have been accelerated by the processes of privatisation, deregulation and

denationalisation that have gone hand in hand with the neo-liberal globalisation of recent decades. For example, those who produce something are no longer necessarily those who will be consuming it; those who hold capital or control credit are no longer necessarily those who create jobs, start or manage businesses; those who benefit from natural resources are no longer necessarily the ones who will be paying the cost of their depletion; those who make collective decisions are no longer necessarily the ones accountable, through transparent democratic mechanisms, to those affected by those decisions; and those who benefit from common goods and public services are no longer necessarily the ones who finance them through general taxation, and so forth.

These differentiations in roles, combined with the distance in time or space between players, make it possible for the stronger stakeholders to impose their particular interests and offload the harmful effects of their choices on the weaker stakeholders. In addition, because of the complexity of the current global society, it is difficult to attribute specifically to a single player responsibility for an act or omission, so as to hold him or her accountable, or to assess precisely the impact of choices on the different population groups, particularly if they are distant in time and space. Thanks to the speed and ease of travel and the manipulative nature of communication, the most powerful stakeholders can easily escape the responsibilities binding them to specific areas, to the weaker stakeholders, to the community in general and to future generations. They even manage to shift the responsibility to someone else in their place, including those who have to suffer the effects of decisions in which they have had no part.

Even though these phenomena produce adverse effects in terms of social, environmental or intergenerational justice, it is not easy to modify them; they are increasingly becoming an integral part of the organisation of society today. It is therefore difficult to challenge the goals of social and economic systems and the criteria used to allocate power among players in line with those goals. Nonetheless, the neo-liberal model of society and governance requires a thorough revision since it pursues a distribution of economic and political competences that fails to take sufficient account of the players' actual capacities and their specific "organisational rationale", be it market-oriented, institutional or solidarity-based. On the one hand, this model assigns to market players a key role in the management of common goods, in creating jobs and wealth, even in setting general political priorities and regulating social exchanges and interactions, while at the same time reducing the role of the public institutions in these fields. On the other, the players motivated by a market-oriented approach are

poorly suited to playing such a role as they have no sufficiently developed and long-term societal vision; and individuals, families and civil society organisations, called upon by the same market-oriented approach to “take on responsibility” and act in the place of the public institutions, do not necessarily have the resources required to ensure the well-being of all.

Despite these difficulties, a social and political paradigm shift is required, since the systematic dissemination of irresponsible attitudes is quite simply untenable in the medium term. It erodes the interpersonal skills which enable a human society to exist and reproduce, such as confidence, reflection, reciprocity, a sense of justice, standard setting, conflict management, honouring commitments, adapting to change, outreach to others, and so forth. Claiming that we have a “crisis of civilisation” is not a gesture of alarmism, but one of hope, which could help prompt a collective awareness of the current risks by generating a broad societal debate on the alternatives to be developed.

2. The Council of Europe’s draft European charter of shared social responsibilities

The paradoxical, but fairly realistic scenario of organised social irresponsibility raises major questions for European democracies. Is it still possible to ensure a secure and dignified future for all? Or do we have to accept as inevitable a general regression in terms of rights and living conditions, as well as the exclusion and stigmatisation of groups and individuals now deemed impossible to integrate? Is it still possible to build a society that is both cohesive and sustainable, able to secure the well-being of all by reducing social disparities and at the same time having due regard for environmental limits? Or will the (unkept) promises collapse alongside the promises (impossible to keep) of limitless growth? Is it still possible to take a fresh look at the relationships and conflicts between economic and political powers in a democratic framework, placing universal access to human rights at the very centre? Or have we entered a period where national democracies and global capitalism are to be regarded as incompatible and antagonistic forces? Is it still possible to give a collective meaning to public policies, economic choices and day-to-day behaviour? Or are we inevitably obliged to perform actions without really understanding them and fulfil obligations without really subscribing to them?

To answer these questions, it is essential, but not enough, to devise an alternative model of society: what we need to think about is how to implement this model from a political, institutional and organisational point of view, and above all, who will and can implement it. The concept of shared

social responsibility, acknowledged by the Council of Europe as one of the pillars of its “New strategy for social cohesion”, offers a unique perspective to address these issues. For several months beginning in 2009, an ad hoc committee of experts set up by the Council of Europe took a detailed look at these contradictions and crises that we are currently facing with the aim of developing a new tool for reflection and public action which can incorporate the idea of shared social responsibility and make it the foundation for a practical alternative for society.

The result of this work was the drawing up of a draft Committee of Ministers recommendation to member states on a Council of Europe European charter of shared social responsibility, appended to that recommendation. An initial draft of the charter was submitted for public debate with a large number of representatives of different social groups at the conference held in Brussels from 28 February to 1 March 2011. The observations made during and results of the public debates were incorporated into a subsequent version of the charter, submitted to the European Social Cohesion Committee for approval.

The articles published in this edition of the “Trends in Social Cohesion” collection have been written by members of the committee of experts and others invited to the Brussels conference. Together with the articles in the previous edition on the same topic (Trends in social cohesion, No. 23, Council of Europe 2011), their aim is to lend support for the first stages of dissemination and application of the charter in the Council of Europe member states. In this way, the authors’ aim is to clarify still further the conceptual frameworks underpinning the concept of shared social responsibility, in particular the concept of interdependence, and to draw up appropriate legal and policy frameworks, which in particular will be able to promote the participation of the “weaker” stakeholders and ensure the involvement of the “stronger” stakeholders in the sharing of social responsibilities.

The first part of this volume seeks, in a more theoretical way, to shed light on the conditions which give rise in our societies to situations of interdependence (including asymmetrical situations which make for the propagation of socially irresponsible conduct). The authors seek to make the case for shared social responsibility as a sustainable cognitive and normative response to the “co-production of social problems”, to explain the importance of social relations, moral resources and synergies between the public authorities and civil society players in the fulfilment of common commitments in the justice field, and to clarify the importance of the interrelationship between common goods, human rights and democracy for the effective sharing of social responsibilities and the construction of “global citizenship”.

The second part of this volume presents, in a more practical way, the legal and policy frameworks required to implement the sharing of social responsibilities, while encouraging innovation and experimentation. The authors seek in particular to go beyond certain typical dynamics of irresponsibility: on the one hand, the lack of recognition and ability to take action, exclusion and the unbalanced empowerment of the weaker stakeholders, and on the other, the absence and disempowerment of the stronger stakeholders. In contrast, equal presence and interaction, and agreement and co-operation between stakeholders having different roles and levels of authority are the strategic pillars for the sharing of social responsibilities effectively and on a day-to-day basis. To this end, the authors put forward a number of avenues to explore: the development of legal tools ensuring the enforceability of social rights on states and companies, especially the transnationals; the recognition and active involvement of companies as players that can share numerous social responsibilities; inclusive education and training policies for the “new poor” which will enable them to take part in collective choices; municipal policies incorporating social justice and consideration of diversity and the needs of minorities, sustainable development and the interests of the future generations.

3. Sharing social responsibilities in a context of growing interdependence

Why is it necessary to think and act responsibly, either individually or collectively? Why do we need, in particular, to share social responsibilities or, as stated in the new Council of Europe charter – to be “required” or [be] “in a position to be accountable for the consequences of [one’s] actions or omissions in all fields of public and private life, with due regard for the applicable moral, social and legal rules or obligations”, particularly in the field of social, environmental and intergenerational justice? In different guises, questions of this type regularly recur in societies undergoing change or in crisis, seeking to determine the fundamental reasons for harmonious co-existence. It is no surprise, therefore, that these matters are the subject of broad debate in Europe today.

Claus Offe offers an articulate and perceptive answer regarding the reasons for sharing social responsibilities. First, “all of us share (in ways that are immensely complex and hence impossible to disentangle) in the causal responsibility, through acts of commission or omission, to what happens to (or is achieved by) each of us. Shared social responsibility, thus understood, is not a lofty ideal to strive after; it is simply an important fact of social life.” Second, in the context of this systemic interdependence, any

purely individual solution is inadequate, untenable and even unjust, and “all those causally responsible for the creation of a problem must be made to co-operate in its solution, rather than relying on individualist solutions”.

Adela Cortina reached some similar conclusions in her novel reinterpretation of Habermas’s principles of discourse ethics, tying them in with the results of research in social psychology and anthropology on compliance with norms and reciprocity linked to co-operation. Interdependence is interpreted as the acknowledgement that we need others in order to fulfil our life projects, or as acknowledgement of a distinctive trait of the model which the author terms *homo reciprocans*. From this point of view, “we can also strengthen social cohesion by realising that it already exists and requires various modes of recognition and reinforcement; it exists by the mere fact of belonging to an interconnected society, a *ligatio*, which requires, and even generates, an *ob-ligatio*.” Obviously, we still have to determine the conditions under which such awareness can be brought about in current societies and how this can be translated into coherent, individual and collective action.

These interpretations of interdependence and its normative implications are necessarily critical of unilateral processes of empowerment of individuals and certain social groups, made to feel guilty for their marginalised situation, and of the neoliberal dichotomy between fortune and choice, which claims to draw a clear dividing line between what is outside our control and what is the result of the free exercise of our own will. They also draw consequences from the neoliberal globalisation crisis which has pushed to the extreme the interdependence of human actions, in particular through the deregulation of the movement of goods, services and capital, and through the interconnection between the economies, labour markets, legal systems and even lifestyles of the different countries, while minimising the remedial role of the state through general taxation and universal social protection. However, these interpretations are also the conceptual reflection of the ongoing fight against climate change and the financial crisis, two phenomena which dramatically show that it is impossible to escape the effects of problems that have emerged on a global scale.

While, therefore, the interdependence of contemporary societies requires a sharing of social responsibilities, including in terms of responsibility for rectifying things that have gone wrong, today citizens of European democracies are often at a loss when it comes to determining who is actually responsible for matters of collective relevance and for policies addressing these matters. It is difficult to overcome this, but not impossible. Moreover, it is necessary to be able to evaluate at least the different impact of responsibilities, either in

terms of causality or in terms of remedies, in relation to the specific powers of the players involved. A differentiated responsibility would be not only more effective, by not placing excessive demands on certain players and too few on others, but also much fairer. At the same time it is essential to “fix the floor”, to put everyone in a position to share social responsibilities, ensuring that poverty does not rob people of their right to active participation.

This is all the more imperative since, as pointed out by Peter A. Hall and Rosemary C. R. Taylor, “states and markets are unable to resolve many of the problems facing Europe, at least in the forms in which they exist today”. Political and economic structures are invariably accompanied by a “structure of social relations tying the people of a society together. There are multiple forms of social connectedness. Some are reflected in the social networks of a society, others in the feelings of moral solidarity those networks support and others in the collective imaginaries of those societies, namely, the narratives about who belongs to a community that tie its past to its future.” Whereas the effectiveness of public policies and collective rules depends largely on these social relations, states and markets must ensure that they remain integrated and actually undertake to reinforce them. Governments in particular must cultivate their capacity to build rather than erode social connections, which are the roots from which bonds of shared social responsibility can grow.

Not only public policies but also market rules and collective lifestyles play a key role in the reproduction of moral resources, without which there can be no genuine sharing of responsibilities. The ability to create active trust and mechanisms to co-ordinate action, to ensure stated intentions are consistent with actual behaviour, and to draw up and uphold shared rules as fair rules should be considered as the essential moral resources required to exercise social responsibility, with “all the provisions and capacities which lead us to mutual understanding, dialogue and agreement as basic mechanisms for satisfying interests and ensuring consensual settlement of conflicts of action”. Moreover, in the words of Adela Cortina:

there is no such thing as isolated individuals forming interlinks solely as and when they decide to do so, forging links and concluding agreements for reasons of survival. Even before the agreement there are connected persons, persons who, by conducting communicative actions, recognise each other as valid interlocutors capable of discovering what is fair and just solely through dialogue conducted under conditions as close as possible to “rationality”, notably in terms of openness, equal access to the relevant information, neutralisation of constraints and inequalities, recognition of diversity, impartiality and reciprocity.

Acknowledging the importance of social and moral resources, together with the role of civil society players does not mean underestimating the importance of the state and the need to innovate, as stated by Peter Hall and Rosemary Taylor, “although important steps can be taken toward building stronger societies, even a revitalised society is never a substitute for engaged and effective states.” Claus Offe addresses this same subject, when he states that:

We should certainly not allow ourselves to forget ... that the democratic state and its powers to tax, to spend, and to regulate remains the major instrument of society to share responsibility among its members, thereby exercising some measure of control over its own fate. If that is right, this instrument must not be done away with (in favour of either the market or “civil society”), but rather strengthened and supplemented.

While one of the most promising fields for achieving shared social responsibilities is to be found, according to Offe, in the synergetic effects of public policies and civil society initiatives, an equally crucial and fertile field, in the view of Stefano Rodotà, is represented by common goods such as water, land, natural resources, food, health, knowledge, the Internet, and so forth. This is a real “battlefield” between social interests and different political visions concerning the concepts of justice, property, rights, human dignity, democracy: a battlefield which for centuries has accompanied the processes of modernising our societies and in which, in essence, the opposing sides are those who advocate the privatisation and commodification of common goods and those who demand universal access to them, common management and solidarity-based regulation.

Rodotà passionately upholds the arguments of the latter, attributing to common goods the political and epistemological status of a “new paradigm of rationality”, essential for developing sufficiently complex alternatives to contemporary contradictions and crises. He argues that regarding, for instance, air, lands and waters as common goods is more than a prerequisite to ensure environmental protection: it has to do with protecting health, safeguarding peace and preserving living cultures. It has to do with rethinking human rights in the light of their universal access, and with regenerating democracy in the light of active citizenship and of sharing social responsibilities.

Common goods have this enormous potential as they “reflect collective interests. They are finalised to the fulfilment of human needs. They make possible the effectiveness of human rights”. This potential is also derived from their structural characteristics: “common goods are characterised by

a diffused proprietorship, as they belong to all and to nobody: all people can have access to them, but nobody must have an exclusive right. In this sense, they are shared per se". In order to preserve this potential and use it to help bring about the well-being of all, it is essential that common goods are managed in accordance with the principles of equality and solidarity, "improving different forms of people's participation in terms of co-decision, co-production and co-management". They are therefore the true heritage of humanity, which must accordingly also be managed in the interests of future generations.

4. Instilling a sense of responsibility among the more powerful players and strengthening the less powerful

Since social irresponsibility is fostered by the existing power differentials between the different stakeholders and since for decades these differentials have been growing, thus depriving certain players of the opportunity to take part in collective choices and in this way have some degree of control over their lives, how will it now be possible to share social responsibilities in a new and more equitable approach?

One of the first steps recommended by the new Council of Europe charter is to ensure recognition of the full range of stakeholders, their demands and possible contributions in terms of action or suggestions, their rights and obligations, and their role in a social system based on close interdependencies. This principle of recognition is a key reference point to securing a secure and dignified life for all. It involves a dual commitment: first, the views of the weaker stakeholders must be able to be heard, heeded and able to influence decisions and results; second, the need to avoid situations where the stronger stakeholders, in possession of more information and organisational power relinquish their specific responsibilities, impose priorities based on their interests alone and fail to acknowledge and compensate for the harm to which they may give rise. Implementing this principle is one of the major challenges facing us if we wish to achieve, on a day-to-day and long-term basis, the fair sharing of social responsibilities.

Mireille Delmas-Marty quite rightly points out that "in order to believe in a common destiny, ways must be found of giving those who hold power a greater sense of responsibility". Conscious of the enormous power now exerted by transnational companies in our societies, often with state support, it is suggested that the sharing of responsibilities be promoted

by ensuring judicial or quasi-judicial appeals against both the states and the transnationals. Moreover, in order to overcome the current inertia in this field, the emphasis is placed on the participation in this endeavour of citizens themselves and of non-governmental organisations active in the field of defending human rights. Such a strategy complements that set out in the Council of Europe's charter, in particular in the form of deliberative processes and multi-stakeholder governance structures: it seeks to provide an answer in legal terms to three key questions: Who is responsible? Before what judge? With what support?

While the growing number of players demands the sharing of responsibilities, social and moral resources are necessary but not enough. The fact of holding a power, whether political or economic, should presuppose not only an ethical but also a legal responsibility. Accordingly, in order to guarantee the full enforceability of social and environmental rights vis-à-vis states and transnationals, Delmas-Marty puts forward a coherent and multi-level programme of action. This involves strengthening the transparency of corporate activities and the customers of financial services, identifying those responsible for human rights violations despite the proliferation of roles between head office, subcontractors, subsidiaries, suppliers, etc; ensuring that legal entities such as companies can be held criminally liable; expanding the capacity of national, European or international courts, or quasi-judicial bodies (such as the European Committee of Social Rights, set up by the Council of Europe to monitor compliance with the European Social Charter) to take action against states and transnationals; drafting an international convention on combating violations of international human rights law committed by transnationals; fostering citizen participation in support of these steps through victim support, civil action by groupings and third party intervention in the courts.

These legal instruments would be ineffective or indeed inconceivable if enterprises themselves were not autonomous and influential players, having a power of negotiation and coercion, with an inherent social, societal and environmental responsibility, as Sabine Urban clearly states. If enterprises are to be recognised and recognise themselves as players sharing social responsibilities, it is essential to "put the emphasis on the ambiguous, multifaceted and constantly changing nature of the influence of enterprises in humanity's social and societal life and in the equilibrium of the global ecosystem."

Engaged in the creation of new wealth, both material and non-material, or new knowledge and technological devices, and required to contribute, via income tax or property tax, to the funding of public services and

the provisions of the welfare state, enterprises also contribute to social cohesion and where, as a guiding principle, they focus on sustainable development, they can also play a significant part in addressing the major challenges of today. As Urban points out:

enterprises have tackled the problem in virtually all sectors (construction, transport, ordinary or durable consumer goods, services), seeking to produce lighter composite materials (to reduce the energy needs of cars and planes), design innovative fluid control systems, develop insulating materials, limit the amount of water used in industrial processes, increase freshwater resources (by desalinating seawater), recycle wastewater, metals, textiles, rubber, cardboard and rare earths (to reduce wastage of natural resources), treat and reduce gaseous effluents or toxic waste, and so forth

and to develop alternative sources of energy to fossil resources.

These considerations concern a model enterprise; the reality is, of course, much less clear-cut. "Some enterprises shoulder that responsibility with conviction and very honest commitment, while others adopt dubious and even utterly reprehensible practices." If we are not to adopt a purely moralising attitude, we need to understand the global systemic constraints to which enterprises are subject: it is essential to take action with regard to these constraints in order to strengthen their capacity and readiness to share social responsibilities. For decades, in addition to the conventional competition inherent in the market rationale, there have been the constraints of the financial markets on which enterprises largely depend for their funding.

The key question that Sabine Urban addresses head on is that:

the financial analysts and ratings agencies, who tend to dictate strategy to large listed enterprises (a return to core activities, for example) are not known for their sense of social or societal responsibility; on the contrary, they see the preservation of jobs (a source of fixed costs) as a defect and the announcement of redundancies leads to an increase in securities dealt in on the stock exchange.

It is the aims and forms of governance of enterprises that are dramatically changing, moving away from the principles of responsibility and consultation between the various stakeholders, in particular the workers and those living in the areas where production is based. In contrast, the absolute priority is placed on speculative gain without reference to the productivity of the real economy and the effects of economic and financial choices on social cohesion and the environment: "an abstract rule stipulating a 15% return on equity (ROE), which has become the

golden rule for the salaried executive of an enterprise (listed on the stock exchange) who wants to keep his job.”

These changes are part of a structural trend: it is no longer society or politics that, in an autonomous and democratic way, assigns collective aims to the economy, by regulating its activities and limiting the harmful effects in line with an approach based on solidarity and justice; it is the economy that unilaterally sets out the political objectives and constraints of society, submitting each vital or relational function to a market rationale. The many effects of this trend include increasing inequalities and a transformation, if not aggravation, of poverty in Europe, adversely altering the substance and scope of the concept of citizenship. Julia Szalai criticises a highly inequitable dynamic which threatens the present and future opportunities for sharing social responsibilities: “while the poor face a disproportional share of the devastating consequences of economic and environmental changes, the traditional arrangements of the welfare state protect them less and less, and partly for this reason, their voice is less and less heard in major societal decisions”.

In contemporary European societies, poverty is a complex phenomenon, whose causes and substance are relatively unique. Szalai makes a very incisive analysis of the “new poverties” and their consequences for European democracies. She first of all highlights the changes in the labour market and the consequent transformation of the relationship between regular employment and citizenship, the foundation of social order in the post-war period. She then relates these changes to the demographic transformations that have occurred in recent decades, in particular the increase in life expectancy, the impoverishment and employment insecurity of the young and the intergenerational conflicts which this gives rise to on the labour market and in access to the provisions of the welfare state. Lastly, she assesses the impact of these structural changes on groups of foreign origin, especially on the children of migrants, vehemently challenging the ethnic and culturalist interpretations of poverty.

According to Julia Szalai, “by ethnicising poverty and by representing it in the form of failures of adjustment and accommodation [to social changes], the dominant majorities have succeeded in maintaining the idea of homogeneity” and even to imprint it with the notions of “cultural superiority” of the host society. In this way, the deep-rooted socio-economic causes of inequality are totally overlooked. This interpretation of poverty must be invalidated if we wish to enable the “new poor” to be in a position to change their own living conditions through participation in collective choices and sharing social responsibilities: it is essential to enhance

“certain core capabilities through comprehension, multiculturalism, and desegregation”, such as self-esteem, criticism of the current situation, speaking out, public representation and negotiating one’s own interests. Fostering these capabilities is one of the main tasks of a democratic and effective education system: a system which has an ethnic mix, which avoids sending to pupils a message of cultural superiority or subordination, and which teaches everyone to enter deliberations and acknowledge the value of the contributions and skills of others.

These types of skills geared to inclusion, reciprocity and mutual learning, together with a clear commitment to social, environmental and inter-generational justice, lie at the heart of the experiments carried out at municipal community level by the towns and cities in the Cittaslow network. The name of this international association comprising 148 towns and cities from 24 countries in the world, including 100 municipalities in 16 European countries is derived from the combination of the word “slow” and the Italian word for town/city. In the words of the director of the network, Pier Giorgio Oliveti, “Slowing down has to do with our ‘western’ life style. We all feel that we lack sufficient time for the activities and relationships that we consider important and beneficial. Few of us have time to take on responsibilities together with others, to attend meetings in our communities, to volunteer, to have good emotional and intellectual exchanges”. Focusing on lifestyles, the towns and cities subscribing to the Cittaslow philosophy put forward an alternative model to the one currently prevailing, which carries with it the danger of producing a real “urban desert”, either in terms of values and human relationships, or in terms of our relationship with the environment.

The key to this approach, the success of which is being increasingly acknowledged by the experts, politicians and the inhabitants of the areas in question, lies precisely in the systematic sharing of social responsibilities. The very concept of the town is changing, with the emphasis being placed on the relational and participatory dimension, on recognition of pluralism and striking a balance between traditions, identities and innovation: the concept of town as the multiplicity of interwoven and co-responsible places and living communities. This presupposes a collective effort to secure the well-being of everyone living in the municipality, based on the sharing of power between individuals and groups, between public authorities and private organisations, between national and local institutions. The main objectives of collective action are the fight against poverty in all its forms, by means of genuinely innovative interconnected policies in the fields of inclusion, acknowledgement and

accommodation of diversity, immigration, environmental protection and developing the local economy, the fight against the abandonment of town centres, against the building of elite gated communities and against the emergence of isolated and run-down peripheral areas. The experiences of the two towns in the network presented by Oliveti – Novellara (Italy) and Midden-Delfland (Netherlands) – provide direct evidence of the possible progress that can be made in this sphere and a model that could possibly be replicated in other contexts.

5. The European charter of shared social responsibilities as a source of inspiration in the transition

Without being overly abstract or moralistic, the articles in this volume show that both the theoretical clarification of shared social responsibility and its application in practice are essential in order to believe in the change we wish to see come about, and that the new European charter of shared social responsibilities, currently being disseminated among all Council of Europe member states, could make a valuable contribution to this change, particularly if it becomes an everyday tool of reflection and action in framing and implementing alternative policies together with citizens.

The charter was designed precisely to facilitate and assist this process of transition. Its principles of justice aim to inspire fair policies which do not offload the cost of the current crises and transformations on those who have less power and who are not the main ones responsible for the contradictions in evidence in contemporary society. Its participatory strategies seek to produce creative and proactive policies to restore the capacities of citizens and the different players to act together to protect and renew all that has been achieved in Europe, beyond the illusion of infinite and uncontrolled growth. Furthermore, as is clearly stated in the charter, shared social responsibility is not a substitute for the specific and statutory responsibilities of the various players; rather it seeks to complement them.

Finally, our societies of fear will be able to become lasting co-responsible communities if we can ensure that the decisions and actions of the various stakeholders are actually tied in with the objectives of justice and are developed in a context of shared knowledge and mutual commitments, taken by consensus and with the common desire to reduce power differentials.

Reference

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PART I

TAKING INTERDEPENDENCES SERIOUSLY – CONCEPTUAL FRAMEWORKS FOR SHARED SOCIAL RESPONSIBILITIES

Shared social responsibility – A concept in search of its political meaning and promise

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There can be no doubt that responsibility and responsible agents are good things to have. Both democratic theory and the liberal theory of justice rely on “responsibility” as a core concept. As to democratic theory, it is always good to know who is responsible and for what and to whom, because then we, the citizens, can turn, individually or collectively, to the responsible agent (be it a court, an elected legislature, a government) and ask for the correction of things that went wrong or demand action that will bring things in line with our own notion of the common good and what is deemed valuable, desirable and just. We, the people, can also turn to each other and to ourselves, as it is ultimately “all of us” who are responsible for authorising the political authorities to do what they are doing, and doing “in our name”. Either way, being aware of the institutional location of responsibility allows citizens of liberal democracies to act rationally by allocating their demands, complaints and expression of political support to the right address, as it were.

1. Responsibility in democratic theory

Today, however, citizens of European democracies are often at a loss when it comes to the question of who is actually responsible for matters of collective relevance and for policies addressing these matters. Is it the local, regional, or national state? Is it other states that exercise an influence over our national policies and well-being? Is it remote supranational entities – such as the European Commission – which govern over us? Or is it market forces of an anonymous and opaque nature, as well as the fiscal and financial crises triggered by them, that must be considered the ultimate causal determinants (as opposed to responsible agents) shaping the conditions under which we live? Or is it, equally anonymously, “all of us” who fail in our democratic responsibility by allowing, in an attitude of indifference, things to happen in public policy that we virtually all agree can and should be avoided. Answers to these questions are not often easy to come by. To make things worse, it may even be the case that all of the above share responsibility, be it through their action or inaction, in ways that are virtually impossible for ordinary citizens to disentangle in any reliable way.

Arguably, there was a time when the question of “who is responsible and therefore can be held accountable?” was comparatively easy to answer. The answer was “the incumbent government”. Government that in the past successfully sought to be entrusted by voters with “governing responsibility” (*Regierungsverantwortung*, the German household phrase) and which risked losing it on the next election day if it had failed to make good use of responsibilities mandated to it in the eyes of popular majorities. Yet the days when the place of responsibility was so unequivocal and easily located are definitely a thing of the past. Let me point to four developments that can explain why this is so.

First, incumbent political elites are not only the objects of popular scrutiny and periodic responsibility tests by being monitored and held accountable for what they do and fail to do, they are also strategic agents that spend much of their time and resources on managing their mass constituency’s perception of responsibility. They do so in the three most common communicative modes by which elites address their constituencies: blame avoidance and finger-pointing (in the case of undesirable developments and outcomes), and credit claiming (in cases of favourable ones), and the rhetorical taking of what they can safely assume on the basis of opinion polls to be popular positions. The ubiquitous use of these patterns of strategic communication by political elites, assisted by communications specialists, makes it difficult for ordinary citizens to assess with any degree of certitude who “is” actually responsible for which outcomes, and who, accordingly, deserves to be praised and supported, or blamed and opposed. Unless independent reporting and investigative media analyses assist in this cognitive challenge, the voter/citizen can fall victim to and be seriously misled by the increasing ingredient of stagecraft, that is the strategic creation of appearances, in the practice of statecraft (as Wolfgang Streeck has observed).

Second, the opaqueness of the question of responsibility and to whom it must be assigned in democratic politics is not just a matter of modes of strategic communication; it has a foundation in changing institutional realities having to do with the transformation of government into governance (Offe 2008). While “government” stands for the clearly demarcated and visible competency of particular governmental office holders and parties in legislative chambers to make collectively binding decisions, “governance” stands for more or less fleeting multi-actor alliances which span the divides between public and private actors, state and civil society, or national and international actors. The more such alliances – often referred to as “network governance”, “multi-level governance”,

multi-party coalition governments or “private-public partnerships” – come to prevail in the conduct of public policies in core areas such as health, education, transportation, housing, even security, and so forth, the more difficult becomes the problem of “imputability” (Rummens 2011), the problem of establishing clear links between decisions, their authors and their outcomes.²

Third, due to the endemic and seemingly chronic fiscal crisis that has befallen virtually every state in Europe (both as a consequence of them having transformed themselves into low-tax “competition states” in an open global economy and as a consequence of the bail-out-needs ensuing upon the financial market crisis), the range of solutions that the state and political elites can at all credibly promise and take responsibility for, its very “state capacity”, has been shrinking quite dramatically. As a consequence, removing garbage from the streets of Naples, or snow from German highways during harsh winter weather, are problems that the state can no longer be relied upon to fix or held effectively responsible for – to say nothing of issues like child poverty, or the educational deprivation of migrants’ children, or the sustainability of financial markets, climate or the environment. While not being able to extract higher taxes from the earners of high incomes and owners of wealth due to the anticipation of their adverse reactions and resulting competitive disadvantages, the fiscally starved state reduces the agenda of its previously taken-for-granted responsibilities and retreats to a minimalist agenda of enhancing competitiveness, subsidising innovation, developing the supply of human capital and, increasingly, servicing public debt.

Correspondingly, and this is a fourth aspect of the democracy problem of political responsibility, fiscally starved governments have for several decades now – decades of the ascent of “neo-liberalism” to the status of a hegemonic belief system guiding public policy – resorted to strategies

2. This is not to deny that the co-production of policies on the basis of shared responsibilities does not have its virtues, as I will argue in the final part of this chapter. A case in point was a “food scandal” in January 2011, brought on by livestock in Germany being fed substances contaminated by the carcinogen dioxins. The political process that unfolded as a consequence consisted for several weeks of strategic yet inconclusive attempts to determine and place the blame on who was actually *responsible* – the federal ministry, the state ministries and legislatures, individual farmers, individuals within the food safety administration, unscrupulous industrial suppliers of fodder, or overly price-conscious consumers themselves who brought economic pressures to bear upon agricultural suppliers?

of shedding and re-assigning responsibilities. The basic intuition is that the government is not – and therefore cannot be held to be by citizens – responsible; citizens themselves are “responsibilised”, with the only remaining role of government consisting in “activating” and “incentivising” citizens so that they live up to their individual responsibility rather than asking and expecting government to take responsibility for them.³ Appeals to self-help, self-reliance and self-provision, to philanthropy, charity, foundations, mutualism and so forth, together with policy revisions following patterns of privatisation, marketisation and contractualisation of claims to benefits, make heeding these appeals the only option left to ordinary citizens. (This is true only to the extent that they have the material means to do so). Such policy shifts, designed to rescind public responsibilities and associated expenditures, are abundantly encountered in the areas of labour market, pension, education, public transport and health policy. Such appeals to the corrective powers of “civil society”, occasionally bordering on what I call “political kitsch”, are often little more than a cheap excuse of political elites to get rid of their responsibility for “social” problems by transferring them to private hands and pockets. As the state withdraws, fully or in part, from funding services and entitlements, citizens are left with no choice but to comply and to take on responsibility for their present and future selves – to the extent, that is, that their incomes allow them to do so.

As a consequence of such public policies of abandoning public responsibilities, democratic rights of holding governments accountable tend to lose much of their leverage concerning the quality, distribution, security of the life chances of voters and the services they can count upon as citizens. Citizens come to learn that in core matters of their socio-economic well-being, government is no longer a promising address to turn to with complaints or demands concerning issues of distributive justice, social security, the provision of services and collective well-being. The shrinking scope of what governments – and increasingly governments of every political colour, as all of them are driven by the imperatives of the fiscal crisis and competitiveness – can afford to accept responsibility for discourages major parts of the electorate, mostly the less well-to-do, from taking an active interest in political life, addressing their interests and demands to governments and holding governments to account.

3. In a nutshell, this is what British minister Norman Tebbit had in mind when he recommended to the unemployed that they had better “get on your bike and look for work”. The clear trend is a move from government responsibility to the “responsibilised” citizen.

In the course of this two-sided dynamic – the retreat of governments from major areas of responsibility, followed reciprocally by the retreat of up to a third of the citizenry from virtually all forms of political participation – the democratic idea of responsible government, or governmental accountability, is in the process of evaporating. To the extent that it does, it gives way to a condition of what has been termed “post-democracy” (Crouch 2004).

Exclusionary and inegalitarian trends in European polities are not just of a social and economic nature, but also extend to the political realm. Here, we can speak of increasingly pronounced patterns of “participatory inequality”. Its major symptom is that those at the bottom third in terms of income, education and security have in many countries largely given up exercising their rights of citizenship. They know little about politics; they do not vote; they do not join social or political associations; and they certainly cannot afford to donate to political causes. Taken together, these trends amount to something similar to a social (as opposed to legal) disenfranchisement and political marginalisation, a condition that many authors fear may become a seed bed for populist and xenophobic mobilisation. Observing these trends and dilemmas, we cannot but conclude that our democratic institutions, as well as the political economies in which they are embedded, have generally failed to provide a vehicle for the effective sharing of responsibilities through governmental action.

2. Responsibility in liberal theories of justice

Let me now turn to an equally brief discussion of what the concept of responsibility refers to in the liberal theory of justice. The key normative principle of liberalism is that individuals should enjoy legally secured liberty to make choices concerning their life – choices whose outcomes they alone are responsible for and in which no outside force, least of all political power holders, should be allowed to interfere. However, it is widely acknowledged among political theorists that the realisation of this ideal of liberty faces two kinds of problems. For one, we often observe that the consequences of freely chosen individual actions affect not just themselves, but others as well. If the external consequences of my action, or externalities, are negative in that they adversely affect the well-being of others, then the freedom of choice of one person can be said to constrain the freedom of choice of others. Therefore, in order for liberalism’s highest value of freedom to be universally enjoyed, it must be limited at the level of individuals through statutory regulation, rules

of criminal law and so forth: no one must be allowed to inflict (uncompensated) damage upon anyone else.

The second problem that the liberal theory of justice faces is this: the range of an individual's free choice is not just determined by the legal guarantees securing it, but also by favourable or unfavourable conditions which can dramatically expand (such as through "unearned" inherited wealth) or severely restrict (due to congenital physical handicaps or the fact of being born in a poor country, for example) the range of choices individuals have at their disposal, particularly as these adverse conditions are due to "brute luck" and can in no way be causally attributed to any behaviour that those benefiting or suffering from them are causally responsible for. Liberal theorists take care of the first of these two complications by imposing negative duties upon the uses individuals can make of their freedom; for instance, they declare as illegitimate and propose to impose constraints on the freedom to pollute the environment, to steal or to fraudulently appropriate your neighbour's property, and so forth.

Liberalism, in short, presupposes a regime of restraints, law and order. Liberal political theorists try to take care of the second complication (and by consistently doing so qualify as "leftist" liberals) by imposing positive obligations upon "everyone else" with regard to the bad luck and ensuing losses of freedom of those suffering from various sorts of handicaps for which they cannot be held causally responsible. They do so in part by imposing taxes on those favoured by lucky circumstances, as opposed to the fruits of their own voluntary efforts. These collective, positive obligations can consist of public measures designed to prevent, compensate for, alleviate or overcome and so forth, individual hindrances (to the extent that it is at all feasible) that are due to "luck" rather than choice. In so doing, they aspire to the ideal of equality of opportunity. The underlying intuition is that only after the playing field has been made more level, can individuals seriously (as opposed to cynically, as in the case of victim-blaming) be held responsible for the uses they make of their liberty and the individually reaped fruits in which these uses result.⁴

The conceptual distinction between luck determinants of a person's degree of well-being and choice determinants is the basis of any liberal

4. Needless to say, further difficulties are encountered when it comes to the *extent* to which negative externalities can and must be ruled out through regulation, as well as the extent to which "luck" factors can and must be *neutralised* in order for the ideal of equality of opportunity to be sufficiently redeemed.

theory of justice, with “individual responsibility” being the criterion by which this distinction is made. “Luck” is the total of conditions, favourable as well as unfavourable, for which a person in question is not responsible, while “choice” is everything pertaining to the responsible exercise of a person’s free will. Put differently: “luck” is everything for which I can plausibly hold others responsible, including anonymous circumstances, and which is beyond my control. Everything that follows from action within my range of deliberate control is something that nobody but myself is causally responsible for and, in the case of undesirable outcomes, must be self-attributed, or traced to my own *ir*responsible action, such as my lack of ambition, effort or readiness to take precautions for risky undertakings. Under the banner of equal opportunity, luck-related conditions are roughly the same for all of us so that individual outcomes can justly be accounted for in terms of choices that individuals have made, thus adding up to a pattern of supposedly justified inequality of outcomes.

The rigid dichotomy of luck vs. choice, circumstances vs. personal responsibility, structure vs. agency and so forth, is deeply engrained in liberal political thought. Neat and elegant though this distinction between “luck” and “choice” may seem, I shall argue that its applicability and usefulness is strictly and increasingly limited, and that it rarely if ever works in practice. Let me briefly elaborate why I think it doesn’t (Kibe 2011).

First, even if the responsibility criterion leads to a clear demarcation line between what is due to luck and what is due to choice, observers often substantially differ as to where precisely the line is to be located. Trivially, the better-off will tend to claim causal responsibility for their advantages, that is attribute them to their own effort and ambition, thereby legitimating them. The worse-off will be inclined to attribute their inferior condition to circumstances beyond their control, thereby minimising their responsibility and justifying claims for compensation. Conversely, if the worse-off try to assess the situation of the better-off, they will probably tend to magnify the luck factor, while the wealthy, looking at the poor, will emphasise the choice factor that is responsible for their condition, particularly as that allows them to fend off compensation claims coming from the poor. If this is so, the criterion works for each individual using it, but it works differently for different observers, due to their interest-biased perspectives and legitimisation needs with which they approach the question at hand. While both sides make use of the dualist code of luck vs. choice and effort, they tend to draw the dividing at very different locations. And rightly so.

For, secondly, the ability to take your fate into your own hands and to act self-confidently on the assumption that it is largely *your own* choice that matters is a frame of mind which itself is nurtured and encouraged by specific socio-structural conditions. Take the case of a school boy who excels in every subject at school. Can this be attributed to and hence explained by the voluntary effort he spends in doing his homework? Or must it be attributed to the fact that he happens to have been brought up in a family which values scholastic achievement very highly and enforces this value very strictly (perhaps applying “Chinese” or “Japanese” methods of education)? Putting the question this way makes it virtually unanswerable. Or rather, both of the supposed alternatives apply – the first (effort) is present *because of* the second (parental strictness), and the distinction is made meaningless because causal responsibility is *shared* between the two sides, with the effect that the dichotomous liberal frame of choice *vs.* circumstance, and so forth, breaks down. As one author has put it: “It is hard to disentangle luck and responsibility as my present capacity to act responsibly may be impaired by previous experiences of bad luck” (Dowding 2010: 89). Moreover, whatever we do “voluntarily” is bound to be embedded in and shaped by patterns of what Michael Walzer (2004) has called “involuntary association”, such as family, ethnic, religious, class or national membership and belonging. Even if I try to radically distance myself from such belonging, it remains the belonging that shapes the mode and effective extent of my distantiating.

Prosperous members of the educated middle class tend to be brought up to adopt the mental habit of seeing the world through a lens of self-attribution of both favourable and unfavourable outcomes; either outcome is seen as flowing from the determination with which they have exploited opportunities and the cleverness with which they have avoided risks. In contrast to this liberal ideology of individualist causal responsibility, the view that is more likely to be found among less privileged social groups is that outcomes are determined by the constraints inherent in differential resource endowments on the one hand, and co-operative and collective modes of action on the other: what happens to “me” is ultimately a function of how “all of us” act, including the agents of public policy whom all of us, ultimately and at least implicitly, authorise to do what they are doing or fail to do. The disadvantaged will tend to blame “society”, and the better-off to credit themselves. Both answers remain caught up in the liberal dichotomous scheme. The right answer is, I submit, that all of us share (in ways that are immensely complex and hence impossible to disentangle) in the causal responsibility, through acts of commission

or omission, to what happens to (or is achieved by) each of us. Shared causal responsibility, thus understood, is not a lofty ideal to strive after; it is simply an important fact of social life.⁵

That, at least, applies to the analytical level where the question of causal responsibility is addressed: how come someone has succeeded or failed? It does, however, most certainly not apply to the normative issue concerning the assignment of what I propose to call remedial responsibility – who should be held responsible for taking action if things have gone wrong? While it is often not difficult to convince people that causal responsibility is in fact largely collective (think of climate change and other cases of environmental disruption), we need a lot more persuasive power to convince the same people that, therefore and due to interdependence, remedial responsibility must also be shared rather than remain individualised and addressed selectively to victims and those least able to cope.

Even if problems remain individualised (rather than affecting “all of us” equally) as to their incidence and immediate consequences, they can clearly be collectively caused. Take the examples of child obesity, drug addiction, violent crimes or teenage pregnancy. These often do have devastating effects upon the life course and well-being of those directly affected, but it can by no means be said that the causal responsibility for these outcomes rests with the individuals and their “wrong” behaviours alone. For statistical and epidemiological analysis suggests that, in international comparison, the incidence of those social pathologies is greater the greater the inequality of income and wealth is in a given society (and that applies even to different incidences between the more and the less equal American federal states, cf. Wilkinson and Pickett 2009). Again, we have a case that could be labelled “co-production” of social problems: as “all of us”, in our capacity as citizens and voters, are ultimately responsible for the prevailing profile and distributional

5. This claim is reminiscent of the Marxist theorem of the “increasingly *social* character of production” that evolves under capitalist modernisation – lending itself to the understanding that an ever deeper division of labour in the economy renders it eventually impossible to trace back the final outcome (goods sold at a profit) to individualised inputs, as the organisation itself (the firm), its managers, the workers that it puts to work and its ties to the outside world generate a kind of *holistic* or *systemic* causation that can no longer be disaggregated in terms of individual contributions of agents but is based upon *interdependency* – however asymmetrical that interdependency may in fact be. This view is of course contradicted by the grotesquely implausible economic doctrine (and meritocratic dogma of justice) which claims that each worker is (or should be) remunerated according to his or her individual “marginal product”. However, no one has an idea of how this might be measured independently of the balance of market powers.

effects of income and tax policies, as well as social and education policies, it is somehow “all of us” who are co-responsible for the effects that those inequalities generate which we more or less thoughtlessly or in pursuit of our individual interest allow, through acts of commission or omission, to prevail.

A third point on the dilemma of the liberal dichotomy of luck vs. effort is this: any system of social security and services institutionalises, under liberal premises, a demarcation line between where individual choice is appropriate and where collective provision is called for. The classic case is the distinction between the “undeserving” poor (who have supposedly made the “wrong” choices, adopted unwise life styles, etc.) and the “deserving” poor (the victims of circumstances beyond their control). This line divides categories of risks and contingencies that belong to a sphere that the respective individuals affected by such conditions can be expected to cope with by their own means and choices, on the one hand, from those categories of conditions that require collective arrangements, on the other. If I suffer from a common cold, I am, according to the logic of welfare states and their health systems, on this side of the line, as I am supposed to know what to do (and actually act upon that knowledge) in order to achieve a speedy recovery and to pay for whatever it costs to get there. In contrast, if I suffer from pneumonia, the remedial measures to be taken are typically specified by, provided for, and financed through public and other collective arrangements (social insurance, licensed medical institutions, tax-subsidised occupational health plans, etc.). In this way, welfare states can be looked at as sorting machines which assign deserts, rights or legitimate needs-to-be-taken-care-of to categories of people in specified conditions, while leaving other conditions to the sphere of what can be left to the prudent choice of individuals. The implicit message is: you have to cope with them by your own means, relying on markets and family support, or, failing that, simply accept them as unfortunate facts of life.

Finally, powerful economic, political and philosophical forces, together often summarily referred to as hegemonic “neo-liberalism”, have drawn European societies, since about the mid-1970s of the 20th century, ever more in the direction of privileging the individualist frame according to which most of our individual outcomes, good or bad, must be read as deriving from choices, right ones or wrong ones, made by individuals. Therefore, remedial responsibility, or so the gospel of the market proclaims, must also rest with individuals. Having made those choices, they deserve the associated outcomes (be it the extremes of wealth, be

it those of poverty), which are hence rendered unproblematic in normative terms as they are just manifestations of the supreme value of individuals' freedom to make choices. The implicit warning is: moving the demarcation line too far in the "wrong" direction, thus providing "too much" space for collective provisions, would be both wasteful ("fiscally inefficient") and detrimental to the core value of freedom of choice. The latter is said to be the case because individuals would be weaned and "disincentivised" from making their own choices, relying instead upon collectivist provision, thereby becoming dependent upon (that is, defenceless against) the state and its bureaucratic and centralising control. Social and economic "progress" is, according to this doctrine, measured as nothing but increments of the aggregate total of individual incomes. All that you need to control your fate, or so the message reads, you can purchase, be it bonds to provide for your retirement income, be it health food and "anti-ageing-pills" to postpone retirement for as long as possible. If you happen to dislike and feel threatened by the people in your neighbourhood, you move to a "gated compound"; if you want to get ahead in your career, you enrol in commercial training courses; if you want to enhance your mobility, you buy a faster car; if you are unhappy with the temperature, cleanliness and humidity of the air, just do your own private corrective climate change policy by having a good air conditioning system installed in your home. It is all your personal preferences, your individual choice and your responsibility to match the two within the constraints of your means. We might well speak here of negative externalities following from institutionalised individualism itself, that is, of the hegemonic fixation on individual choice as the prime remedy to problems of well-being.

The plain absurdity of such individualist and "presentist" understanding is evident if we think of inter-temporal negative externalities, such as damages affecting future generations or our future selves. Climate change and other aspects of intergenerational justice are probably the most serious cases in point. As the future victims of the consequences of our present action and inaction are not yet present as actors and thus cannot possibly raise their voice and intervene, all of us, and now, need to prevent these long-term externalities from occurring. Otherwise, as we know (or could know), the long-term effects of our present action and inaction will soon become impossible to reverse or neutralise.

Even if someone were to summarise the messages of neo-liberalism in a somewhat less pointed fashion, I would still feel certain about one conclusion: this individualist ideology of (consumer) choice is currently

on its way out due to its manifest failure to accurately depict contemporary realities.⁶ The obsolescence of neo-liberal ideology, or so I wish to demonstrate in the rest of this chapter, applies both to the problems we suffer from and the solutions we may find to them. As to the former (the problems), I can perhaps illustrate what I mean when we think of a person sitting in his car being stuck in a huge traffic jam. Looking out of the window, he or she sees (as actually once happened to me) that someone had painted on the side of the pavement: “You are not stuck in the jam, you are the jam!” The rather compelling message is that many of the problems from which we suffer today (environmental damages, climate change, financial market breakdowns, poverty) and which so patently interfere with the well-being of all of us are by their very nature self-inflicted and collectively “co-produced” ones. As things stand, there is nothing individually objectionable to the attempt of the man to get by car from A to B at time t (rush hour), but it is exactly the wide use made of that freedom by so many others that leads to the frustration of the seemingly innocent intention.

3. Recognising and sharing social responsibilities in practice

The distinction I have introduced between “causal” responsibility and “remedial” responsibility suggests the solution that the two must be made to coincide. That is to say: all those causally responsible for the creation of a problem must be made to co-operate in its solution rather than relying on individualist solutions. But how could such congruence be brought about? As a first approximation to an answer, we have the theoretical choice between civil society, economic incentives and coercive state policies as three potentially promising arenas in which the problem of congruence can be approached – or probably rather in a reasonably intelligent combination of the three. For if we succeed in finding and implementing solutions to problems for which we collectively are causally responsible, we will do so not *alone* through coercive regulation or through (dis)incentives addressed at individual utility

6. Ideologies, or configurations of ideas that amount to everyday theories of how the world does work and should work, can be either repulsive or appealing in evaluative terms; yet they can also be subjected to a test of their truth. The precise meaning of “ideology” as a concept of the social sciences is that it is a configuration of ideas that is both appealing (at least to some) and at the same time demonstrably untrue – a mistaken or biased representation of the world and how it works, or interest-distorted reasoning.

maximisers (although these two tools of public policy have their indispensable role to play); in addition, we need to strengthen the awareness of ordinary people and their readiness to co-operate in the achievement of common goods – their willingness to “do their share”, and do so even in situations where the “right thing to do” is not demanded by legal rules or a selfish calculus of individual gain under politically set incentives. Such awareness, most likely generated by associations and movements within civil society, relates to knowledge about – and the readiness to pay attention to in the practices of everyday life – the negative and positive externalities that we inescapably cause for others as well as for our future selves. Many examples illustrating those practices of self-assigned and deliberate remedial responsibility have to do with consumption: the food we eat, the textiles we wear, the amount and kind of energy we consume, the extent to which we enjoy our mobility are all known to generate critical impacts upon our individual as well as, through externalities, our collective well-being. The same applies to how we educate our children, recognise the rights and dignity of strangers, deal with gender and inter-generational conflicts, and extend help and support to others, including distant others.

Yet before we get overly idealistic and start moralising at our fellow citizens, we should pause to note that the ideal practices I just referred to – the practices of widely self-assigned responsibility for improving collective conditions, precautionary awareness of sustainability issues, solidarity with one’s future self, civility, attention and “considerateness” – are not simply adopted as a result of insight and determination; their choice is itself constrained by “conditions”, among them the prevailing conditions of income, wealth and access to good-quality education. The sobering truth is that those least endowed with these critical resources find themselves often in a condition which makes their engagement in the practice of sharing responsibilities quite unaffordable or otherwise inaccessible. Their time horizon (as well as their social horizon of all those to whom they feel obligations) is known to be much narrower than that of the educated middle classes with their greater cognitive endowments. To put it in a nutshell: poverty can positively make people act irresponsibly. If you have to live on a tight budget and under precarious job security, you cannot afford health food for yourself and your children, and neither are issues of sustainability likely to be close to your heart; all you can do is to look for the cheapest food, textiles, means of transportation and so forth, that you can find – which arguably makes it a very high political priority to fight poverty, and doing so at a national as well as a supra-national level (cf. Schmitter and Bauer 2001). Complying

with the priority is not just a matter pursued for the sake of the poor, but for the sake of “all of us”, as the poor (people as well as countries) would have to be enabled to share long-term responsibilities which they otherwise, while remaining poor, do not have a reason to share. Also, this priority would have to be premised on a revised notion of social progress. Rather than measuring it in terms of aggregated individual incomes or, for that matter, individually achieved upward mobility, the concept of social progress would have to be reformulated in ways that highlight the need to “fix the floor” – the need, that is, to raise the material welfare and security of the least well-off first in order to facilitate their readiness and ability to share responsibilities which they otherwise are very unlikely to comply with.⁷

Yet even those for whom it would be feasible, given their resources and security, to engage in practices of voluntary responsibility-sharing, are by no means consistently likely to do so. In a way (and perhaps to provoke my leftist friends), we might say that we live in a society in which there is no “ruling class” any more – a class that could be held causally responsible, due to its power to exploit and to cause crises, for most of the ills and evils of the world; or rather, we have (almost) all become acquiescent accomplices, wilful supporters and self-deluded beneficiaries of that class. To paraphrase a model suggested in writings of Robert Reich (2007), ordinary middle-class people are complex entities who live their lives in constant tension between no less than four socio-economic capacities: they are citizens, consumers, income-earners and investors/savers. Given the corresponding configuration of motivations, chances are that an “individualist” coalition of consumer, earner and investor defeats the citizen, the bearer of political rights and shared social and political responsibilities, three to one. The economic individualism on which the former three roles are premised can and actually does easily translate into an attitude of “indifference”, inattention and wilful disregard for the negative externalities we cause and the corresponding precautionary and remedial responsibilities which “ought” to follow from them. Also, given the fact that “my” contribution to both causing the problem and possibly sharing in the responsibility for implementing a solution (think of climate change and energy consumption, the production and separation of household garbage, or charitable donations) is at any rate infinitesimally small, I need to trust in my fellow citizens’ disposition to actually share responsibility and join me,

7. It is well known in debates on climate-change policy that poor countries of the global South can only be brought to co-operate with those policies if they are compensated for the short-term opportunity costs of co-operation by the countries of the global North.

too, in order to make my own costs and efforts of doing so myself meaningful and instrumentally rational. From the perspective of individuals, it is not easy, given the opaqueness and anonymity of “everyone else”, to build, maintain and restore such trust.

However that may be, the trust in some effective corrective action coming from the trust that citizens extend to each other concerning their willingness to share responsibilities, thus forming a powerful centre of agency by the name of “civil society” – this analytical trust in the power of social trust is probably somewhat ill-founded. I have heard advocates of “civil society”-generated remedies to sustainability problems argue that the only thing that remains for constituted state power to do is to “get out of our way” – implying that any state action is inherently corrupted by interests of gain and power, whereas spontaneous and voluntary communal action emerging from civil society provides a more promising alternative to political institutions. I strongly disagree with this view, which upon closer inspection is just a mirror image of the neo-liberal critique of the state, this time not celebrating the liberating potential of market forces, but of “civil society” and the communal remedies it supposedly harbours. We should certainly not allow ourselves to forget (in spite of all our dissatisfaction with the inadequacies of public policy I have alluded to in the first part of this paper) that the democratic state with its powers to tax, to spend and to regulate remains the major instrument of society to share responsibility among its members, thereby exercising some measure of control over its own fate. If that is right, this instrument must not be done away with (in favour of either the market or “civil society”), but rather strengthened and supplemented.

Similarly, I believe (for reasons that I have no time here to elaborate in much detail) that we would be ill-advised to leave the sharing of responsibilities to economic agents, such as investors in the stock market and business corporations and their practices of “corporate social responsibility” (CSR). Socially conscious investors discriminate, for moral reasons, against so-called “sin industries” (Elster 2008), referring to industries which produce liquor, tobacco, fire arms, land mines and so forth, or did business with the apartheid regime in South Africa or (today) Sudan; or act contrary to environmental standards by, for example, shipping toxic waste to poor countries; or are known, as is the case with certain manufacturers of sports shoes and supermarket chains, for systematically violating in their production process union rights and basic ILO standards of labour protection. What they also do, if unknowingly and by implication, is to increase the return on investment of investors who are not

morally discriminating, as stock prices in “sin industries” and for investments in rogue states will be lower than they would otherwise be and as the respective companies and states will have to offer, in order to attract needed capital, higher yields per share than they would have to in the absence of morally scrupulous investors. As to corporations engaging in CSR, the standard doubts come (a) in the “doing well by doing good” version according to which CSR must be suspected as little more than a marketing and branding strategy, and (b) with reference to their lack of accountability in terms of how they select their CSR priorities as well as in terms of the quality and continuity of services they provide (and remain free to discontinue whenever they see fit to do so).

All of which suggests that constituted and democratically accountable state power should not be written off as an important arena in which we can come closer to a solution to the problem of sharing social and environmental responsibilities. The democratic state, in spite of the rather gloomy observations I have offered at the beginning of this chapter, remains (or must be restored as) a key strategic agent, and often so in supranational co-operation with other states, if it comes to the sharing of responsibilities – both for the responsibility to keep under control and contain the negative externalities of individual choice and to create and implement (not least through the extraction and spending of fiscal resources and the regulation of private behaviours) collectively binding solutions.

Yet there are many ways in which state power can be combined with the specific resources of civil society agents to promote the sharing of responsibilities between these two centres of agency, develop their synergetic potential, and thereby maintain and further social cohesion. For instance, state policies can provide institutional spaces and incentives for all kinds of civic engagement; it can use policies for the increase and redistribution of disposable time, including work-time reduction, in order to improve the temporal conditions for civic engagement; it can promote and encourage the spread of co-operatives and other forms of social enterprises; it can initiate “attitude campaigns” on individual and public affairs, such as in the fields of health, education, consumption and family relations; it can monitor institutional qualities, such as inclusionary vs. exclusionary effects of schools, families, enterprises, commerce, cities and mobility regimes, and publish data on these institutional qualities so as to stir debates and encourage complaints. In my view, such initiatives of tapping synergetic effects of public policies and civil *society* belong to the most promising – and currently most active – field of attempts to institutionalise a greater capacity of modern societies to relate responsibly to themselves and their future.

Conclusions

I have argued here that many of the most serious problems modern capitalist democracies face are caused by a logic of aggregate external effects: all of us, through the unintended side-effects of what we do or fail to do, cause physical and social consequences which are typically impossible to trace back to individual wrong-doing, such as the violation of institutionalised social, legal or moral norms. While we at least begin to understand our collective *causal* responsibility, we are still far from having available the ideas and institutions by which we might exercise our shared *remedial* responsibility. Problems such as environmental destruction, climate change, various kind of health hazards, financial market crises, the dumping of financial and other burdens on future generations, growing inequality, declining social cohesion and political exclusion are all cases in point which illustrate the logic of “co-production” of collectively self-inflicted problems of sustainability and social cohesion. The latter are caused by the way in which “all of us” (or, at any rate, many of us) consume, eat, move, invest, relate to others and use our political rights in our perfectly legal and even subjectively innocent conduct of life. As to the latter point, the use of political rights, we often mandate and allow the holders of governmental office and democratically constituted power (for the use of which, after all, “all of us” share responsibility as citizens) to turn a blind eye to our co-produced problems and to follow the patterns of inaction, procrastination and “democratic myopia”. Therefore, arguably, the greatest deficiency in the conduct of governments today is not that *they fail* to do what voters want, but that they opportunistically, in the interest of their own continuation in office through a favourable record of having promoted “economic growth”, follow too closely the given interests and preferences of voters – without, that is, any promising attempt to alert and enlighten their constituency as to the adequacy and appropriateness of these preferences in relation to collectively relevant conditions “all of us” must face – and cope with.

Needless to say, democratic governments are not – and should not be – endowed with the authority to rule what the “objective interest” of the political community is. But they may well assist constituencies in finding out for themselves, and in full access to relevant information and normative arguments, about the answer to that question, for instance by creating institutional space for consultation, deliberation and collective self-observation within civil society and by committing themselves to take the results of the resulting “preference laundering” (Goodin 1986) seriously in the formation of public policies. Another way to assist civil society in the

process of preference formation is to ensure that voters and associated citizens are adequately informed about trends and conditions that do not affect them as individuals, but rather the qualities of political society as a whole.

A way to do so, and to provide, as it were, the raw material for an adequately sensible formation and revision of preferences that measure up to the ideal of “shared social responsibility”, would be to make available scientifically valid information on “holistic” qualities of societies. In contrast to most of the statistics supplied by statistical offices and survey research agencies, such holistic data would not measure the income, age composition, attitude, opinion and so forth, of individual entities (such as citizens, workers, students, firms, etc.) which then are aggregated, but qualities of entire societies to the extent they are presumably relevant for the formation of preferences and attitudes. Such indicators of the *quality of societies* (cf. Hall and Lamont 2009) would suggest the question of whether or not a society showing these features is a society “we”, the citizens, consider acceptable and sustainable and what, in case the answer is negative, can and should be done about it. These indicators would each have to come in three versions. First, the state of affairs at point t in country (or region or city) x; second, a longitudinal measure that indicates in which direction things are empirically changing or staying constant across time; third, a cross-sectional measure showing the state of affairs “here” compared to other places where the same measure has been applied.

What are the indicators that could mirror those holistic qualities of societies and at the same time could help in the formation, revision and upgrading of public attitudes and political preferences? All I can do at this point is to suggest a number of measures the operationalisation of which, I trust, will not be overly controversial. All of them relate to collectively relevant outcomes rather than the properties of individual entities within society. Examples are measures of socioeconomic (wealth, income) and political (i.e., participatory) inequality; the incidence and prevalence of relative poverty; indicators of social cohesion and social exclusion; the prevalence of intergenerational status inheritance; the overall accessibility of judicial and administrative agencies; a measure of “governability”, or fiscal and administrative “state capacity”; the quality of democracy; a measure of gender equality; the integration of migrants and internal ethnic minorities; the incidence and prevalence of unemployment; a measure capturing the levels of *anomie*, crime and incarceration; a measure indicating the level of public awareness of issues of consumption externalities and mobility externalities; and overall behavioural indicators of prevailing kinds and levels of fear and hope.

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Sharing social responsibilities – Reflections on the draft European charter of shared social responsibilities

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The draft European charter of shared social responsibilities proposed by the Council of Europe can be seen as the reflection of several long-established facts. It is built on the fact that the people of Europe are inextricably bound together and the quality of life in Europe depends on Europeans' capacities to recognise and build on their common fate. Sharing social responsibility means *taking* responsibility – for the situation of others as well as of ourselves. Moreover, this charter reflects a long heritage of European values, which have always given priority to social cohesion, namely to the goal of ensuring an inclusive society in which all residents are recognised as valuable members of the community and provided with the means to contribute to it through their workplaces, family lives and civic engagement. Social cohesion in Europe has never been an automatic gift from heaven. It is the product of many years of taking shared social responsibility.

In the second decade of this new century, however, there are important reasons to reconsider the meaning of social cohesion. For the past 30 years, we have lived in an era marked by the opening of world markets and more intense competition across the globe, not least in the single market of the European Union. The opening of markets has brought many benefits, including a more efficient European economy and rapid rates of growth that have lifted millions of people out of poverty in some emerging countries. During these neo-liberal decades, it has become customary to think of our world as one composed of states and markets, and to see our problems as ones that will be solved either by states or by markets. However, that is a mirage. If this was not obvious before the economic crisis beginning in 2008, it surely is now. States and markets are unable to resolve many of the problems facing Europe, at least in the forms in which they exist today.

If that is the bad news, the good news is that there is something out there besides states and markets. There are societies composed of human beings linked to one another in myriad relationships. Alongside the structure of economic relations, on which a capitalist economy operates, can be

found a structure of social relations tying the people of a society together. There are multiple forms of social connectedness. Some are reflected in the social networks of a society, others in the feelings of moral solidarity those networks support, and others in the collective imaginaries of those societies, namely, the narratives about who belongs to a community that ties its past to its future (Hall and Lamont 2009: 1-22).

These kinds of relationships constitute social resources, analogous to the economic resources provided by the structure of economic relations. They matter to well-being in at least three ways. First, ordinary people draw on the social networks in which they are embedded for help with many of the important tasks of daily life, such as finding a job, caring for children or securing emotional support in times of illness or distress.

Second, these networks provide more than a basis for mutual reciprocity. They can also support bonds of moral solidarity, encapsulated by shared understandings of what we owe one another and what others owe us. The importance of such understandings is well-illustrated by a famous study of social well-being in the neighbourhoods of Chicago, which asked why the incidence of violence was so much higher in some neighbourhoods than in others? For an explanation, the researchers looked at many kinds of variables, such as levels of unemployment, ethnic composition and the density of social organisations in each neighbourhood. However, none of these factors explained the outcome. What mattered most to the incidence of violence was how people in that neighbourhood responded to a question about whether they would feel it appropriate to reprimand someone else's child if they saw him misbehaving. Where people had a sense of communal responsibility, reflected in their willingness to correct a neighbour's child, their neighbourhood was a better and less violent place (Sampson et al. 1997).

Third, the bonds of solidarity often built by these networks can promote broader feelings of shared social responsibility that feed into what the electorate demands of governments. It is well-known that communities with denser social networks are more likely to have higher levels of civic engagement but, where those networks also promote feelings of social solidarity, they can condition support for redistributive social policies, and that is important because governments typically try to provide what electorates demand.

In short, these various types of social connectedness are social resources in two senses of that term. On the one hand, as resources, they feed into the capabilities of individuals to cope with life challenges. On the other hand, as platforms on which a sense of shared social responsibility is built, they build the collective capabilities of communities.

What are the implications of this perspective? In an era of environmental consciousness, we have become accustomed to calls for the “conservation of natural resources”. Our analysis suggests that we also need to think about the “conservation of social resources” – namely, about how to preserve forms of social connectedness that build social solidarity. There are social resources out there that deserve to be protected and nourished.

How might that be done? These things are not magical: at least three concrete steps suggest themselves. The first, and arguably most important, step involves promoting the ideas embodied in this proposed European charter of shared social responsibilities. To be sure, the adoption of a charter is at best a beginning. However, it is an important beginning because it reframes the issues at stake. The charter locates shared social responsibilities as an ethical imperative that flows from the social construction of our world. To recognise this is to acknowledge the basis for much of what is to follow.

For some decades, people have known that we share responsibility for the natural environment. Few today would deny that we have all had a hand in the process that is giving rise to climate change and its negative effects. Many of us have benefited, in one way or another, from actions, often oriented to securing more rapid economic growth, whose perverse environmental and health consequences we all now have to suffer. Moreover, there is widespread recognition that these environmental problems will be mitigated only if everyone collaborates in the solutions. Whether citizens recycle waste or conserve energy matters. Governments have important roles, but they cannot resolve environmental issues alone.

As Claus Offe and others have argued, this same logic of interdependence applies, not only to natural resources, but to social resources.⁸ The societies in which we live are social constructions. We have all had a hand, directly or indirectly, if often inadvertently, in creating the societies and social problems we now face. In some cases, we have benefited from economic arrangements that contributed to these dilemmas. In other instances, simply by hesitating to stand up for the rights of others because it was inconvenient, we have let some problems fester.

By the same token, these social problems will not be solved unless we all accept a shared responsibility for resolving them. If states are to address them, they must do so in our name, and in many cases public policies will

8. Claus Offe, “Shared social responsibility: A concept in search of its political meaning and promise.” Presented at a Conference on Shared Social Responsibility, Brussels, 1 March 2011.

not be enough. Of course, this is not what market logics tell us. Markets are institutions whose artifice lies in trying to apportion out responsibility among market actors in contexts of competition. However, we know that there are many kinds of problems that markets cannot resolve and all sorts of public goods they will not supply. If we are to live in viable societies, we cannot expect them to be built or sustained by market logics alone (Polanyi 1949).

If the first step entails reframing the problem, as this charter of shared social responsibilities does, the second step toward addressing these issues is equally crucial. It entails shifting the ways in which governments and their citizens think about public policy making. In this era of market economics, no government would think of undertaking a major new policy initiative today without first asking whether, in addition to meeting its objectives, that initiative will have any adverse side-effects on the overall structure of market competition. Where such side-effects are anticipated, governments modify their policies to mitigate them, as well they should.

However, governments almost never ask of a new initiative “will this policy have any unintended side-effects on the structure of social relations, namely, on levels of social connectedness or the bonds of solidarity they promote?” As a result, governments often implement policies that inadvertently erode the social networks or elements of the collective imaginary on which social solidarity is based – through badly-designed urban renewal projects that destroy the fabric of a neighbourhood, through education policies that separate people of diverse races instead of bringing them together or through social benefit programmes whose design pushes recipients to the margins of the recognised community. In short, if they want to preserve the social resources present in their societies, governments must be more attentive to the effects of their policies on social networks and the moral solidarity of communities (Hall and Taylor 2009: 82-103).

Moreover, by paying more attention to these features of policy, governments can secure what might be described as a “social multiplier effect” analogous to the multiplier effect John Maynard Keynes associated with fiscal policies. That is to say, governments can use the “network effects” of their policies to reinforce their effectiveness. To take one example, consider policies designed to provide parents with support for child care. Maternity benefits that arrive by cheque offer some such support, but they do nothing to build relevant social networks. By contrast, programmes that support parents by providing communal day-care centres, where parents meet other parents, do more than supply child care. They also build social networks, on which those parents can draw for further help in caring for their children.

At issue here is the lens through which public policy is normally understood. We customarily think of public policy making as a process that entails the redistribution of economic resources or the regulation of social and economic behaviour, and, indeed, that is partly what policy-making is about. But public policy making can also be seen as a process of social resource creation. Governments have the capacity to build or erode social connections between people, and, where they build those connections, they plant the roots from which bonds of shared social responsibility can grow.

Finally, a third step can be taken to realise the potential reflected in this charter of shared social responsibilities. Governments and communities can create and defend spaces for collective deliberation, and related forms of social experimentation, especially at the local level. The concept of the “social” is just a concept – until people come together to talk about their common problems and possible solutions to them. That is when the concept of shared social responsibility becomes something real in the eyes of those who take part.

This is not to suggest that “deliberation” will resolve all our problems. Everyone is familiar with instances in which deliberation yielded no clear resolution to some problem at hand. But collective deliberation gives concrete reality to the social. It acknowledges and creates community, in all sorts of social settings, and this sense of community is the beginning of shared social responsibility. Moreover, deliberation often gives rise to local experimentation, including programmes that effectively embody some sharing of responsibility, as various forms of “co-production” can, and the knowledge gained from mounting these programmes can be a powerful lever for social change when the results of these programmes are widely diffused (Boyle et al. 2010).

However, we know from studies of participatory budgeting that deliberative processes work well in the long run only if they are accompanied by more durable forms of social organisation that support sustained social mobilisation. This lesson can be drawn from experiments in Porto Alegre, Brazil and studies of successful social development in Kerala, India (Avritzer 2009, Evans 2009). Therefore, those interested in exploiting the social potential of collective deliberation must also think about how to sustain the organisations that breathe long-term life into those deliberations. Fortunately, such organisations exist in many parts of Europe and, with judicious support from local or national governments, they can be one of the pillars on which collective capacities are built.

Our core point is that there are social resources present in the societies of Europe that can be important sources of support, not only for individuals

struggling to cope with the tasks of daily life, but for societies that seek to acknowledge and act upon shared social responsibilities. But three important qualifications follow from this point.

First, although important steps can be taken toward building stronger societies, even a revitalised society is never a substitute for engaged and effective states (Case and Taylor 1979). When people come together to talk about their communal problems, they may find common ground and some new solutions. But the support of states that acknowledge these shared social responsibilities will be crucial for addressing the major social problems facing Europe.

Second, from some perspectives, business may seem to be part of the problem, but it must also be part of the solution. Large and small firms are crucial actors on the social landscape of Europe and stakeholders in these shared social responsibilities. It is vital that they, too, be engaged in the processes of collective deliberation, mobilisation and problem-solving, from which a collective sense of social responsibility emerges.

Finally, as all who contemplate these issues realise, the shared social responsibilities of Europeans ultimately extend beyond the borders of the continent. If it makes sense to look first at the sources of social suffering at home, the developed world also has some responsibility for well-being in the developing world. These responsibilities are acknowledged in the foreign aid programmes of many European states, and, in our experience, the younger generations who have grown up in a more global world readily recognise them as well, but this is a dimension of our shared social responsibilities that should not be forgotten.

Some might say that this proposed charter of shared social responsibilities is only so many words. But as the prophets once noted, words are often the beginning of something much more. In this case, the core concept behind this charter is immensely powerful. It summons up what has often been the very best of Europe, seen from either side of the Atlantic. The problem is now to put flesh on those bones, and this is a process in which governments have important roles to play, notably as agents that nurture the social resources, and connectedness, from which personal feelings of shared responsibility flow.

Some might think this charter utopian, but, for a continent that has become inextricably interdependent, it is an utterly realistic project. The market integration at which the European Union has been so successful creates interdependence, but, as is now apparent to all, it does not solve many of the problems that flow from interdependence. For that, we

have to look elsewhere, and not only to governments, but to the social resources embodied in the people who live on this continent. Europeans have a shared fate. If they are to manage it well, they must do so from a strong sense of shared social responsibility.

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Encouraging coherency between visions and behaviours – In search of moral resources for sharing social responsibilities

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If we want to encourage citizens to share social responsibilities, we must begin by matching our deeds with our words. In order to secure such coherency, reasons must be pinpointed that will prompt individuals and institutions to act in accordance with their declarations. The first part of this chapter provides two types of closely interlinked reasons: survival-based reasons, or prudential reasons, and justice-based reasons. The second part of the chapter proposes reworking, complementing and reinforcing four instruments, namely, corporate social responsibility (CSR), the creation of a genuine Social Europe, deliberation as a transversal vehicle for citizen participation, and education for citizenship geared to giving concrete form to the metaphors of social contract and alliance.

1. Inconsistency between declarations and deeds

Proper implementation of any plan for developing individual and collective liberty clearly requires shared responsibility involving the three sectors that make up all societies: the political, economic and social sectors. This refers not only to state responsibility, but also to the potential of civil society. Clearly there are different models of civil society and in the ensuing pages we shall be addressing civil society as an area of human partnership free of coercion and also as the whole fabric of relations – created in the name of the family, faith, interests and ideology – that invest this area (Walzer 1995: 153). According to this conception, civil society combines what is generally referred to as the social and economic sectors, differentiating them from the political sector.

Yet the question is how to induce citizens and stakeholders to adopt such shared responsibility, both in general terms, and particularly within the European Union and Council of Europe countries. An initial measure would be to bring institutional and individual action into line with the declarations of principle and the prescriptive visions which are recognised as valid. We shall be concentrating on this latter type of measure.

Throughout its history, the contemporary European political environment has undoubtedly presented some excellent projects for promoting

sustainable social cohesion. This applies to the Council of Europe's European Convention on Human Rights and European Social Charter, and to the Charter of Fundamental Rights of the European Union, which are based on such values as human dignity, freedom, equality, solidarity, justice, promotion of citizenship, and development of the rule of law and democracy. The human being is at the centre of our collective concerns in these texts. These are only three examples among many others; three standard-setting documents which, if they had been properly incorporated into the life of the institutions, organisations and citizens, would have considerably reduced poverty, precariousness, unemployment and what I have called "povertophobia" (*aporofobia* in Spanish), or fear and repugnance of the poor, and would also have improved assistance for dependent persons and curbed the development of impoverished population groups.

However, things have turned out differently. There is within our democratic societies a deep-seated incoherency between declarations, or the major projects (words), and the actual achievements (deeds) (Cortina 2007). This incoherency is pernicious not only because it is one of the reasons why the aforementioned social justice problems have never been resolved, but also because Europe is losing its reputation, which is based on the pursuit of sound projects. Consequently, European citizens' confidence that Europe can provide something of importance is on the wane. If it is true that economic Europe and political Europe are in jeopardy, this is even truer for the "Europe of citizens", because they no longer have confidence in European projects and institutions, and confidence is a vital moral resource without which shared ethical life is inoperative, as are political life and economic life. The Europe of citizens is a precondition for political and economic Europe.

Establishing confidence by ensuring coherency between the major principles and values and actual conduct is a matter of survival for the European political environment, and, obviously, for Europe's possible global influence. In order to secure such consistency, we must find the reasons prompting individuals and institutions to act in accordance with their declarations and design the institutions in such a way that they will reinforce this mode of behaviour. As Karl-Otto Apel said, any being with communicational competence must shoulder responsibility for his claims vis-à-vis the validity of justice, but this responsibility is in fact a joint responsibility: institutions must help individuals to exercise their responsibilities (Apel 2000).

What reasons can we offer institutions, organisations and citizens so that they will tailor their actions to their words? In the following, we shall

confine ourselves to two types of closely interrelated reasons: survival-based reasons, or in other words, prudential reasons, and justice-based reasons. Tailoring deeds to fine words is not solely that which is morally due from the angle of the categorical imperative, which concerns actions that must be undertaken on the basis of their intrinsic moral value and their “generalisable” nature (“act only according to that maxim whereby you can, at the same time, will that it should become a universal law”). This is also what is intelligently required from the angle of the prudential morality of the hypothetical imperative, which concerns actions that should be undertaken in order to survive, and to survive well.

These different perspectives are not mutually exclusive but can coexist. As I have taken the liberty of asserting in the past (Cortina 2008), corporate social responsibility may serve as an example of this situation, because enterprises could, and even should, shoulder their social responsibility as a management tool, as a prudential measure and also as a requirement of justice – three closely interlinked aspects of “practical reason”. We shall now go on to examine more specifically the prudential and justice-based reasons prompting coherency between theoretical affirmations and actual deeds.

2. Prudential reasons

In his book *Zum ewigen Frieden* Kant rightly asserted that even a “people of devils”, or a people composed of individuals lacking any kind of moral sensibility, would prefer a law-based state to a state based on nature and potential warfare among all its members. However, he added “provided they possess intelligence” (Kant 1968). Sheer survival militates for concluding and implementing agreements with other persons. Sheer survival in the medium and long term requires a society to work to ensure that its commitments are honoured.

A similar affirmation emerges with reference to the normative structure of a society, which is what enables it to reduce complexity and to survive. According to Habermas, if rules can be interpreted as expectations vis-à-vis general behaviour in the temporal, social and substantive dimensions (Habermas 1992), they become the society’s basic structure, and this society’s survival necessitates general compliance with these rules.

The fact is that “communicative action”, or a declaration making any kind of claim on validity vis-à-vis interlocutors or, more generally, vis-à-vis other members of society, is an action that comprises a commitment. To declare is to commit oneself in several respects, including undertaking

to be sincere in one's own statements, to justify rationally what one has declared, to put into practice what one has claimed to want to be or do, and to shoulder responsibility for one's own declaration and the possible effects of its implementation (Habermas 1981). Yet there is a time lapse between the declaration and the meeting of the expectations raised by the latter, and certain obstacles, including unintentional and unexpected ones, can arise, intensifying the "uncertainty" factor. Shared rules, as generalised behavioural expectations, increase the probability of honouring commitments. This is how to stabilise a society by taking account of the biological and psychological bases of what some writers have taken as moral conduct, that is, reciprocity linked to co-operation (Hauser 2006, Hamilton 1964a, 1964b, Axelrod and Hamilton 1981, Skyrms 1996, Nowak and Sigmund 2000, Cortina 2011).

According to these writers, evolution has given us a capacity for reciprocating, which can take two forms (reciprocal altruism and "strong" reciprocity), both showing that altruism is profitable provided it involves beings who have a capacity for reciprocating. While reciprocal altruism as proposed by Trivers is based on egoism, Hauser's strong reciprocity is strategic; it occurs when members of a group take advantage of their adherence to local rules and are prepared to sanction transgressors, even if the sanction proves costly and those sanctioned will never be seen again. This reciprocity consists in co-operating with people whom we can trust and punishing those who betray such trust, by devising rules that provide stability for this approach. In this connection, Hauser says that we are a hybrid species, the fertile progeny of *homo oeconomicus* and *homo reciprocans*. A social group definitely has a greater likelihood of surviving if it acquires a larger and more stable set of normative rules than its neighbours and therefore gains the upper hand in competition. This is the origin of selective evolution (Boyd and Richerson 1992).

Homo reciprocans is clearly the originator of the sense of justice specific to the promoter of the "social pact". The latter triggered Hobbes' contractualism, but also Kant's "people of devils". So there are reasons of *Klugheit* (prudence or cleverness) for matching up behaviours and declarations: there are reasons of individual and collective survival. To take an institutional parallel, if the European Union, which is based on a social pact, is incapable of incorporating into its institutions and its legal provisions mechanisms to ensure *reciprocation* in situations of uncertainty, it will not survive or, at least, it will only survive as a powerless, insignificant community, and Europeans with it.

3. Moral resources

The mechanisms for reciprocity directed at survival, and therefore at the strategic rationality of prudence, are partly reflected in legal rules which can be made compulsory. This is insufficient, however, because we cannot legally regulate every area, because we cannot do so in complex societies, because it is impossible to guarantee compliance with rules solely by coercion, and because it is impossible to eliminate the “free rider” concept legally. Non-strategic moral convictions are also indispensable. We must, moreover, exercise practical reason, which considers that some rules are just and not merely useful or effective in pursuing a given goal, and acknowledges that this type of rule is valuable and respectable in itself, not merely on the basis of its value for survival. Fortunately, it emerges that when these rules are observed because of their intrinsic value, they also promote the survival and even the well-being of all. This is why they can be seen as moral resources.

Moral resources apparently embrace the ability to create active confidence and mechanisms for co-ordinating action arising from this confidence. All provisions and capacities which lead us to mutual understanding, dialogue and agreement as basic mechanisms for satisfying interests and ensuring consensual settlement of conflicts of action would therefore seem to be moral resources (García Marzá 2004: 47, Offe and Preuss 1990). Two examples might help clarify these resources.

One example is *An Economic Theory of Democracy* by Anthony Downs, even if its main subject is not very relevant to our theme. Downs refers to integrity as coherency between declarations and deeds, stating that integrity is essential if interpersonal relations are to be efficient, and therefore rational persons evaluate it per se. He says that “a perfect liar and a perfectly honest man are equally reliable, but almost all ethical systems honour the latter and chastise the former. This valuation occurs in part because communication in a society of honest men is cheaper than in a society of liars” (Downs 1971: 116).

The other example is obviously that of those corporations that do shoulder their social responsibility, thus improving their competitiveness, for the following reasons: they meet the legitimate expectations of their stakeholders, generating popular support and promoting internal cohesion; they economise on internal and external co-ordinating costs; in situations of uncertainty, they provide greater opportunities for anticipating the future by creating it; they respond better to citizen and market pressures; they are generally better managed and, as Amartya Sen points out,

they represent a public asset. It has been shown that economic success largely depends on the effective functioning of conventions, agreements, contracts, negotiations and, most obviously, the functioning of confidence. Whether in terms of trade, production or distribution, we note that a range of persons must conclude agreements which they can be reasonably confident will be applied (Sen 2003: 42-3).

So we can say that “ethics are cost-effective”. When institutions, organisations and citizens incorporate into their ethos the conviction that they must act in accordance with stakeholders’ legitimate expectations, which have very largely been created by their own institutional declarations, the stakeholders can reasonably trust them (Cortina 2008). The capacity for creating active confidence in the honouring of commitments is nothing if not a moral resource.

4. From “strong” reciprocity to reciprocal recognitions: justice-based reasons

It is indisputable that a climate of general confidence can only be created if the social actors are prepared to respect rules that are fair because of their intrinsic value. But what is the intrinsic value of a fair rule?

Anyone involved in communicative action, particularly when arguing seriously for the fairness of rules, as Apel’s and Habermas’s *Discourse Ethics* have shown us, has recognised that his or her interlocutor is a valid one with whom a logical bond is formed, a bond which comprises obligations, a *ligatio* which is a kind of obligation. There is no such thing as isolated individuals forming interlinks solely as and when they decide to do so, forging links and concluding agreements for reasons of survival. Even before the agreement there are connected persons, persons who, by conducting communicative actions, recognise each other as valid interlocutors capable of discovering what is fair and just solely through dialogue conducted under conditions as close as possible to “rationality”, notably in terms of openness, equal access to the relevant information, neutralisation of constraints and inequalities, recognition of diversity, impartiality and reciprocity (Habermas 1999).

This does not, however, prevent us asking the following question: of what interest is it to us to ascertain whether a rule is fair? No strategy can answer this kind of question, not even the survival instinct, apart from the capacity for assessing that it has intrinsic value, the capacity to understand that there are beings whose dignity requires the rules of coexistence not to be prejudicial to them but to empower them with freedom in the sense that they can

implement such life plans as they have reason to appreciate (Sen 1999:10). Those who lacks the capacity to value beings for their own sake rather than because of the benefits they might produce, will hardly be concerned about which rules are fair or creating the conditions for serious dialogue on fairness.

This is why links between actual or virtual parties to a logical argument can be understood in at least two ways: as a logical-formal link which we can find through “transcendental pragmatics” (Apel 1973) or by seeking the ideal normative conditions for any well-argued communication capable of eliciting a universal agreement; or as a bond among participants in an enlarged social dialogue, mobilising their logical ability to argue but also other human aptitudes such as the ability to respect, interpret or appreciate that which has intrinsic value, and in so doing act as part of a solidarity-based community.

These two kinds of links are in my view complementary, so that without the second one it would be difficult, indeed impossible for individuals to wish to dialogue *seriously*, to take a serious interest in ascertaining the validity of rules applying to human beings, or to opt for universalisable interests, which are always of benefit to the less well-placed. Because the well-placed enjoy privilege, the underprivileged enjoy the universalisable.

Addressing this experiential aspect of mutual recognition is vital for the dialogical formation of the will of moral subjects (Conill 2006). Without this experience it is difficult for a person to be interested in *seriously* verifying the fairness of the content of rules affecting beings with whom he or she is linked only by a logical or strategic bond. Acknowledging that we need others to implement our life plans – a phenomenon peculiar to *homo reciprocans* – is no doubt a sign of maturity, which requires urgent reinforcement. Discovering the need to interlink persons and peoples is a step forward in the maturing process.

Nevertheless, the need to forge links can be understood in at least two ways: firstly by positing that the links must be forged starting off from square one, by contract, without any pre-existing link other than the need to survive. In this case, the reciprocity principle necessitates forming unions with those who can help attain certain goals, simultaneously excluding from this co-operative process those who cannot do so. It can and does happen that some people may never be considered, or may even be seen as “useless” and “supernumerary”. This category comprises excluded and disaffected people. Secondly, we can also strengthen social link by recognising that it already exists and that it requires various modes of recognition and reinforcement. It exists by the mere fact of belonging to an interconnected society, a *ligatio*, which requires, and even generates, an *ob-ligatio* (Cortina 2003).

5. Instruments for encouraging active citizenship

At the outset I mentioned that Europe needed a lively, dynamic civil society in order to discharge its duties and responsibilities, vis-à-vis both Europeans and populations world-wide. Having set out the prudential and justice-based reasons for tailoring our deeds to our words, which is one of the best means of involving the citizenry, I would like to conclude this contribution by proposing some instruments which are already there in embryonic form in society, but which urgently require redesigning, complementing and reinforcing. I am referring to the need to promote corporate social responsibility (CSR), the ideas and policies specific to a “Social Europe”, deliberation as a transversal instrument for citizen participation and education for citizenship capable of giving concrete form to at least two metaphors, that of the social contract and that of an alliance among persons capable of forming bonds.

The Green Paper on Promoting a European Framework for Corporate Social Responsibility (European Commission 2001) proposed reinforcing CSR with a prudential reason: if we want to ensure that Europe has the most competitive and dynamic economy in the world, capable of sustainable development, and with more and better jobs and greater social cohesion, corporations must invest in their future by conducting the “triple bottom line” in social, environmental and economic-financial terms, thus generating a reputation and, consequently, confidence. One of the ways out of the current crisis would be, precisely, to reinforce CSR in the production, commerce and finance sectors.

Social Europe has been pinpointed as “the European way” towards prosperity, balancing the market and citizenship rationales, in contrast to other highly inegalitarian and competitive models. The means of progressing along this way is something which should be decided with due regard to the circumstances, but renouncing it would mean giving up a substantial proportion of Europe’s political essence and turning our back on the idea of social cohesion as “the capacity of a society to ensure the welfare of all its members, minimising disparities and avoiding polarisation” (Council of Europe 2004), without which there is no European future.

Promoting deliberation within the different bodies and at different levels is the quickest way to involve citizens in public life, to acknowledge that they are its agents and to close the gap between words, statements, and deeds. If citizens know that they are the co-authors of these statements via the public exercise of reason and through public deliberation, they will be able to exercise their autonomy. This will also make it possible to

pinpoint optimum solutions, because deliberation has remarkable “epistemic virtues”, and citizens can feel jointly responsible for what are, so to speak, their own endeavours.

Last but not least, it is education that turns us into individuals vested with interactive capacities and moral resources. In the final analysis, we are what education makes us. Educating citizens to share social responsibilities, or indeed educating them to do and be all that they can do and be, precisely in their capacity as responsible members of the citizenry, is one of the current projects of the Council of Europe and the European Union. Yet this education in active citizenship should involve not only the rights and duties required by a social contract and by the capacity for reciprocity, but also the obligations arising from the bond which unites us and the obligations of justice and disinterested action.

In my view, educating citizens for the 21st century means ensuring that citizens are well informed and have the knowledge and wisdom to gauge what is useful not only for survival but also for living well. They also need a profound sense of “com-*passion*” and of the *ligatio*, with “heartfelt reason” (Cortina 2007: 213-16). This is why the sovereign of our century should be wisdom, which is prudence grafted on to the heart of justice.

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The interrelationship between human rights, common goods and democracy, and its role in the sharing of social responsibilities

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1. Common goods, a new paradigm of rationality

In 2004 a distinguished Italian scholar, Franco Cassano, published *Homo civicus : la ragionevole follia dei beni comuni* (*Homo civicus: the reasonable madness of common goods*). This book raised many crucial questions, the reality of which is increasingly manifest: why should citizenship be seen as directly related to common goods? And why are these goods referred to through an oxymoron, placing two opposites (“madness” and “reason”) together?

To answer these questions properly, we need to know that a “new paradigm of rationality” and new forms of social, economic, cultural and political rationalities are emerging, historical changes that we must take into account. Over the past 20 years we have witnessed an important reshaping of the “citizenship” concept itself – it is no longer defined in terms just of “belonging to” a given country, but instead describes the very condition of individuals in today’s interconnected and plural global society. Every person is accordingly endowed with a “set of fundamental rights” to carry all over the world, rights that can – or should be able to – be exercised in different countries. This new, global citizenship characterises people and follows them wherever they are, so the whole world is on the point of becoming “a common place”. Human rights and common goods are becoming interdependent. Yet at the same time, new problems of equality and solidarity are arising.

However, two issues arise immediately from this theoretically limitless concept of citizenship. The first is the very quality of citizenship. It is no longer a formal requirement – a set of rights and duties recognised in a static perspective. It is instead a set of powers and possibilities that an individual should be in a position to turn into reality – using them to determine the mechanisms of participation in politics and, generally speaking, in public life, meaning precisely the life of the “city”. And this is one of the meanings of the aforementioned term *homo civicus*, highlighting this active stance whereby every citizen is turned into the leading actor.

And this is why reference has been made to “strong citizenship” within a “strong democracy” (Barber 1984), to underline the need to make generally available the tools and capacities required to bring this attitude to life.

At the same time, this expansion of citizenship goes hand in hand with a marked historical trend in the opposite direction, i.e. towards the privatisation of a growing number of goods. In October 1847, for instance, shortly before the publication of Marx and Engels’ *The Communist Manifesto*, Alexis de Tocqueville showed great foresight when he gazed into the future: “Soon the political struggle will be between the Haves and the Have-nots; property will be the great battlefield” (Tocqueville 1847). This struggle has continued unabated, even if its focus today is no longer just on land, but on all living beings, on air, water, knowledge, culture and other intangible goods. The battlefield has become larger, extending to the whole world and including many other rights. And these rights are being redefined and rewritten; they are no longer regarded as a matter solely for the individual, but also as “shared” rights.

Viewed from this angle, the common goods issue is truly essential. New terms are crossing the globe, creating a sense of a change of era – open source, free software, copyright-free, free access to water, food, medicines, knowledge and the Internet as fundamental rights accessible to everyone, etc. The conflict between proprietary and collective interests is not only about scarce resources such as land and water, which are likely to become much scarcer in the future. At global level we are witnessing a constant process of creation of new goods, mainly knowledge-based, whose scarcity is an effect not of naturally occurring events, but of deliberate political decisions and public policies and the inappropriate use of legal tools such as patents and copyright. We risk seeing a movement similar to that which occurred in 17th-century England, protesting against the “enclosure” of common lands that had previously been freely accessible. This scarcity, created artificially and not by chance, threatens to deprive millions of people of extraordinary opportunities for individual and collective development, and of political participation. The destiny of old and new common goods is the key issue in a process that impacts on freedom, rights and democracy.

In the face of these historic challenges, we might wonder whether the spirit of common goods is now becoming one of the main features of our age. We could also wonder whether the growing perception by numerous people of many goods as common ones is likely to open the way to shared social responsibilities or to a society of shared values (Delmas-Marty 2011).

Thus the focus is increasingly on what has been called the “opposite of property” (Boyle 2003), and this goes beyond the conventional opposition between private and public property: in fact, another form of ownership is developing before our very eyes, in respect of which we need to decide whether we wish to look to the future or back to the past. If we look at world history and different cultures, what has been called “possessive individualism” (Macpherson 1962) could be seen as neither a universal model nor a Western exception, but rather as one of the possible variables in the relationship of the individual with his or her social and natural environment. Other models and other rules have been adopted at other times and in other parts of the world. But what is happening now is something that is new for all of us: a growing awareness of the fundamental role of common goods and the development of this perspective from the “periphery” to the centre of legal systems, and from a narrow local dimension to a general and global one.

2. Common goods, a new paradigm of human rights and democracy

The concept of common goods and its implications

The very wide scope of common goods marks the tangible and intangible boundaries of human existence. The view that air, land and water are common goods, for example, is more than just a prerequisite of environmental protection. It has implications in terms of health protection and the preservation of peace and living cultures. And it has implications in terms of the revision of the concept of human rights in the light of universal access to them, the regeneration of democracy in the light of active citizenship and the sharing of social responsibilities.

Two categories of common goods – water and knowledge – clearly illustrate this new political relevance of the concept. In July 2010 the United Nations General Assembly declared access to drinking water to be a human right essential to full enjoyment of the right to life and of all human rights. The European Union and Council of Europe take a similar view of the Internet: many countries, such as Finland, Greece, Estonia and Ecuador, have already declared Internet access to be a fundamental right of every person. Access has thus become a key concept. But access to what, and how? Even if we accept the idea that we are now passing from the “age of ownership.” to the “age of access” (Rifkin 2000), access is still a functional tool, so its full implementation implies a redefinition of the legal status of “accessible goods”: this is why there is a fundamental

relationship between common goods, access and human rights. Without recognition of an appropriate status, access would be determined through a purely market-oriented logic and would therefore be denied to millions of people – a bit like a key that unlocks an empty room.

Common goods reflect collective interests. They are destined to meet human beings' needs. They enable human rights to be made effective. Common goods are characterised by widespread ownership, in that they belong to all, and not exclusively to any individual: everyone can access them, but nobody should have an exclusive right to them. In this context they are goods that are intrinsically shared. Consequently, they need to be managed in accordance with the principles of equality and solidarity, improving the different forms of participation by individuals in terms of joint decision making, production and management. Common goods also reflect the dimension of the future of life and of humankind on Earth: they should be managed in the interest of future generations, with attention being given at the same time to social, environmental and intergenerational justice. In this context, they are truly part of a "heritage of humankind", and all concerned may thus legitimately take action so that they are effective and protected: because of their very nature, these goods necessitate a sharing of responsibilities among the different stakeholders, genuine equality and the establishment of social and democratic relationships, instead of selfish divisions or exclusions.

Water, a common good

Water offers a paradigmatic example, given that it illustrates two different kinds of scarcity facing us – one natural, the other artificial. A movement towards considering water to be a common good is now becoming a reality all over the world. On the one hand, I should like to point to the situation in many municipalities (such as Paris and Berlin) which have decided to restore public management of water, and to the case of Italy, where millions voted in a national referendum against compulsory privatisation of water services and predetermination of the return on capital invested by enterprises in water services. On the other hand, we should also be aware that there are currently 900 million people without access to drinking water, and that the growing shortage of water is making the situation of agriculture in many regions of the world increasingly difficult: it has been forecast, for example, that by 2050 90% of the population of the Maghreb will face serious water access problems. These cases show current, future and desirable political priorities: water is increasingly perceived as an accessible and universal common good which is a precondition for effective enjoyment of the right

to health, to food, and to life itself. This also indicates very clearly why the equality of the world's citizens is currently jeopardised by the inequality of access to planet Earth's common goods.

Even peace is at risk from the "water wars" (Shiva 2002) that break out on a recurrent basis in different parts of the world: indeed, water has always been used as an instrument of power, and some societies have been described as "hydraulic civilisations" (Wittfogel 1957). Taking account of the conflicts experienced, we should preserve water from both political authority and a purely market-oriented logic and defend the other common goods against similar appropriation processes. Life itself, through sophisticated patenting techniques, could now be privatised: as a result, whole populations are denied the possibility of continuing to use, free of charge, knowledge and skills that were once part of their history and their culture. There is a completely new battlefield here, one where individuals and their bodies as such need protection from attempted appropriation.

Health and food, common goods

The sphere of global common goods includes other goods, among them first and foremost health and food. Health has long been at the heart of a battlefield opened up by another right of functional access, namely the right of access to medicines. The right to life itself is at stake here, constantly challenged by the proprietary approach to the medical application of research and to medicines, based on patents and copyright.

The struggle for health as a global common good reveals one general characteristic in this field: we are not facing simple or linear processes here. Every step is a problematic one, and every decision involves several stakeholders and levels. Individuals and states, national and international players, pharmaceutical companies and citizens' associations are in constant confrontation and negotiation often in very conflictual fashion. But despite some ongoing criticism, health as a human right is increasingly frequently recognised as an inevitable starting point and an essential political and legal reference point. The balance is shifting towards a non-proprietary approach to common goods, mainly in countries where conflict between the protection of health and life and market logic is more apparent and more dramatic.

We now stand at the point where the paths of knowledge and the fundamental right to health intersect. The issue of the patenting of medicines has long been a real battlefield. Several countries – including Brazil, South Africa and India – have for some time been claiming the right to buy and/or to produce low-cost medicines (and to export them under certain

conditions): this right is necessary so that millions of people suffering from Aids or malaria can be treated, including through infringement of the rights held by major pharmaceutical industry stakeholders. Here, access by all to the fruit of knowledge is becoming a precondition for preventing health from losing its status as a human right and turning into something reserved for those who can afford to “pay for health care” on the market.

The crucial question is if, when, where and how the proprietorial knowledge underlying the production of medicines is now or could be transformed, wholly or partly, into a true common good. It is not just an association between human rights and common goods that is at issue, but more the production of common goods based on the principle of fundamental rights. In this unrelenting struggle, we can find different means being used: a new approach based on traditional instruments, such as mandatory licences, or on practices such as parallel importation, intensive use of political power and the appearance of informal coalitions of states, as is clear from the approach followed in Brazil, South Africa and Thailand, strongly supported by the intervention of their respective highest courts.

The fight for food as a global common good reveals various paths where the right to food is concerned. This right – variously defined in terms of a right to food that is secure, safe and adequate – should be considered an essential element of global citizenship. The long path followed by the right to food has clearly seen progress, from the UN’s Universal Declaration of Human Rights to recent documents such as the Brazilian decree on a policy on food security and nutrition (25 August 2010), the new Constitution of Kenya (27 August 2010) and a more substantial reform of the Indian Constitution that is under way. This tendency shows a shift from the top-down approach of the so-called “fight against hunger in the world” to a horizontal one, where the countries concerned become active players, also demanding shared international responsibilities.

We are now seeing a true and universal constitutionalisation of the right to food, which corresponds to a more general constitutionalisation of the human being, defined as a “real” person “in a real situation”, and not as an abstract and general individual, a fact which corresponds to one of the major aspects of the recent development of the law (see the preamble to the Charter of Fundamental Rights of the European Union).

Progressive definition of the meaning of the right to food and parallel specification of its limits are particularly important in this perspective. Article 25 of the Universal Declaration of Human Rights mentioned above considers food to be one of the conditions for the more general right to an adequate standard of living. Then Article 11 of the International

Covenant on Economic, Social and Cultural Rights specified that the right to food is a right to adequate food, which it recognised as the first level of autonomy in the minimum version of the “fundamental right of everyone to be free from hunger”. It is impossible here to follow the successive stages of the development that gave rise to a broad concept of human rights that covers in all its complexity the whole existence of every individual and is becoming not only an essential part of citizenship, but also one of the preconditions of democracy itself. We may summarise this development as a long march towards full recognition of food as a human right, which has moved from a vague fight against hunger to a specific right of access to food, from a paternalistic approach to making specific public bodies responsible, and from certain assumptions expressed as principles to an effective grounding in specific provisions.

Access is a functional tool whereby adequate food can be obtained, but, at this stage of the debate, we must also reinterpret what is meant by “adequacy”. The adequacy of food is a concept that goes beyond the minimalist, albeit essential, approach of the right to be free from hunger. The right to adequate and secure food means not only feeding the body, but also respecting the individual’s dignity: adequacy is thus not just a quantitative, but also a qualitative concept. As UN Special Rapporteur on the Right to Food, Jean Ziegler, pointed out in 2002, people have a right to “quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear”.

We must take this perspective into account if we want to build up a truly pluralistic and multicultural world: food security should go hand in hand with human dignity and respect for cultural diversity (see articles 1 and 22 of the Charter of Fundamental Rights of the European Union); principle of non-discrimination (see Article 21 of the Charter of Fundamental Rights of the European Union); right to free development of personality (see Article 2 of the German Basic Law and of the Italian Constitution); wide definition of health as “a state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity” (definition given by the World Health Organization); and integrity of the person (see Article 3 of the Charter of Fundamental Rights of the European Union).

Thus the right to food can be seen to be a point of convergence of fundamental legal principles, which it makes concrete, founding a new legal environment. While that is true, a new political strategy is needed. For one thing, we need to pay close attention to the way food is currently

produced in the context of a turbocharged, supercapitalist economy (Reich 2007), and for another thing we should respect the rights of both producers and consumers, now connected again through the idea of “slow food” (as opposed to “fast food”), taking account as well of concerns relating to health and the environment. Consequently, the right to food as a global common good opens broader perspectives on human rights, including those of future generations of “stakeholders”. Regarded as an essential interface of multiple fundamental rights, the right to secure food is a powerful instrument against any form of reductionism, in particular against the transformation of individuals into passive consumers, or into people who are “consumed”, according to the analysis by Benjamin Barber (2007) of the transition from citizens to clients. Full implementation of the right to food is needed in order to avoid this destiny and firmly defend the integrity and autonomy of every person.

Thus, access to food becomes an integral part of citizenship: a key issue for understanding the true situation of a society, a basis for grasping how political, economic and social responsibilities are shared (or should be).

The Internet and knowledge, common goods

The Internet is the most extensive public space, so possibly the most extensive common good, known in human history. It is a space where everyone can in principle have their say, acquire knowledge, create ideas, and not just information, exercise their right to criticise, discuss and take part in political life, and thus help to build a different world of which each and every person will be able to claim to be a citizen on an equal footing. A space where a redistribution and a major redefinition of powers are under way, not without giving rise to both strong resistance to the democratisation process and sophisticated efforts to manipulate and privatise.

The current risk is that knowledge in general might be shut in behind proprietary fences, without any consideration of the novel nature of the situation we face, which requires us to recognise knowledge as one of the most important of all the common goods (Hess and Ostrom 2007). The importance of the recognition of Internet access as a human right has been confirmed by the role played in recent months by various information and communication technologies (ICTs) in the “revolutions” that have taken place in several states of North Africa, such as Egypt and Tunisia. If it is to establish true world citizenship, populations’ participation in political life today needs to be based on recognition of the Web as a common good, with any form of digital divide, outside control or censorship being prevented.

Various legal techniques have been used recently to impose limitations on the use of certain categories of goods that were freely available beforehand. Taking what happens in the film industry as an example, Lawrence Lessig refers in the early pages of his book, *The Future of Ideas* (2001), to several obstacles to access to knowledge and the sharing of knowledge: one artist claimed that a chair resembled a sketch of a piece of furniture that he had designed, an architect demanded financial compensation before the release of a film showing a courtyard allegedly protected by copyright, and a sculptor did the same after seeing a product of his art in use in a background. In fact, in a growing number of cases, financial compensation has been claimed from producers of films or photos showing the outer façades of buildings or famous monuments (such as the Eiffel Tower). The result is paradoxical, as shown by the advice given by a successful director to a young artist and quoted in the same book: "You're totally free to make a movie in an empty room, with your two friends" (Lessig 2001).

These cases show not only that abuse of copyright is restricting opportunities to use goods that were initially common, meaning that they could be exploited freely for certain purposes. These cases also show that it is not enough to emphasise the advent of the age of access, as if this were tantamount to getting rid of the conventional constraints linked to ownership. The expansion of access applies to a mechanism relating to the use of certain goods, in particular those that are not scarce and can accordingly have non-competing uses. Access can nevertheless be limited through application of a proprietorial approach.

Parliaments, for example, now face a new challenge, being required to work out new ways of finding a fair balance between the logic of private ownership and that of common goods. This challenge concerns as well the concept of citizenship. The true democratic innovation that ICTs bring is not that they give citizens a deceptive impression that they are participating in the taking of major decisions through electronic referendums. It lies instead in the power given to each and every person to access the extraordinary wealth of resources placed at his or her disposal by these technologies, to make use of them to draw up proposals, to control the way power is exercised and to organise within society.

In this new and vast world, where democracy can be practised "directly", without the need for "representative" mechanisms, parliaments and other elected bodies must find new ways of communicating and interacting with citizens, for instance by holding informal consultations, by publishing on the Internet proposals on which public opinion is requested,

by introducing new procedures enabling groups to submit proposals to parliament and to intervene in the legislative process, etc. In this context, tensions between representative and direct democracy could be creatively managed, and parliamentary democracy would gain a new legitimacy by putting itself forward as a permanent interlocutor of society.

With this in mind, we need to regard democracy as a process that is open at many levels and the Internet as a new and crucial public sphere: a global common good which makes possible interaction, the production of public discourse and the creation of a space for citizenship. The need to recognise this dimension of the Internet as a common good is continually challenged, in particular by market-driven approaches, since commercial exploitation of the Web far exceeds non-commercial uses at the moment. This gives rise to imbalances in the use of the Internet in two respects. Firstly, if one considers the Web to be an increasingly consumption-driven area – a sort of global supermarket – one has to make it “safe” for those who visit; this entails not only ensuring the security and reliability of commercial transactions, but also presenting the Web as a sanitised and pacified place where no conflicts can ever disturb its use by consumers. The arguments relied upon to achieve this objective go beyond the necessary fight against pornography. In fact, a trend is being noted towards doing away with anything that verges on a representation of an unpleasant situation and dissent, of any degree of aggressiveness – anything that departs from the model of “normality”. In practice, a sort of “market-driven censorship” is slipping into place.

Secondly, access based on payment brings up the issue of the digital divide, meaning the inequalities that exist in Internet use, in terms of “two-speed citizenship”, since a direct relationship is established between income and access to knowledge.

This is also why the equality issue should also be reconsidered. Equality is increasingly construed in terms of initial conditions, rather than outcomes. However, the access dilemma clearly shows that it is not enough to enjoy equal opportunities if only the lucky few can truly take advantage of them.

Increasingly widespread awareness that knowledge is a “global public good” (Gallino 2007) is bringing about an in-depth reconsideration of rules, starting with those relating to patents and copyright. Demands are being made for the appropriation of living matter and of biological diversity to be prevented. This search for a new balance between the interests of authors, inventors and industry, on the one hand, and collective interests, on the other, is not just the result of a sort of rejection of market logic. There is actually a liberal stance that is much more radical

and highlights the growing ineffectiveness of traditional tools: indeed, it goes so far as to propose the abolition of copyright.

Let me quote an example to show how access to knowledge is changing. What is described as the “free” press, meaning newspapers distributed free of charge, does not stem from the publisher’s generosity or altruism, but simply represents a different way to make profits. The huge potential and rich assets of the Web can only be fully used if the obstacles to the exploitation of that potential are removed – and those obstacles also give rise to a “non-market economy.” New legal approaches are already available and in use, such as those that have replaced the conventional closed logic of copyright by the open approach based on “creative commons” (Lessig 2001).

However, access to knowledge should always go hand in hand with the possibility of being “exposed” to the most diverse opinions, so as to compare them and develop a critical capacity – a feature of democracy. Of course, this means rejecting censorship, along with any monopolistic or dominant positions. It also means having direct access to sources and preserving the transparency of information. This is the very root of pluralism and of independence of judgment. It is a way of bringing about the end of *arcana imperii* (official secrets), i.e. of secret, and therefore oppressive, forms of power: free knowledge for all increasingly amounts to democracy.

Luigi Einaudi, a distinguished economist and former President of the Italian Republic, has regularly referred to the need “to know in order to decide”. Well-known US Supreme Court judge Louis Brandeis once said that “Sunlight is said to be the best of disinfectants”. In fact, knowledge is the foundation of a true process of democratic decision making and a vital precondition for widespread control of institutions, businesses and all other parties exercising power or with authority to exercise social responsibilities.

3. “Humankind” and the effectiveness of common goods worldwide

At this stage of development, the common goods which are essential to create a world citizenship are subject to the same well-known difficulty as any attempt to make effective fundamental rights and democracy, particularly at global level. Attempts to support the global dimension of fundamental rights through appropriate institutions have led to the possibility of setting up multiple “civil constitutions” (Teubner 2011). These new institutional

mechanisms are frequently linked to global social and economic dynamics, rather than to recognition of the close relationship between citizenship and the legal status of certain categories of goods recognised as common goods in the context of the exercise of political and constitutional powers. Furthermore these tendencies have been criticised by those who think the result would be a world without a centre: such “institutional neo-mediaevalism” (Castells 2000), which precludes the establishment of common and universal safeguards, has been received with scepticism by a legal culture that does not believe that rights can be effectively enforced on a global scale, even beyond and against states and transnational enterprises.

This hypothesis is partly disproved by the progressive establishment of a “global community of courts” in the context of the protection and “production” of rights. Today, effective protection of rights based on the implementation of safeguards requires us to go beyond conventional judicial proceedings and take into account, for instance, initiatives stemming from civil society organisations which use international documents as their point of reference. When, for example, the news broke that some transnational companies were using children to sew shoes and footballs in India and Pakistan, civil rights groups threatened a boycott if the companies concerned did not stop using child labour. These groups’ action was successful for a variety of reasons, but it will be noted here that children’s rights were upheld by means other than traditional legal mechanisms, such as the taking of court action. The same logic could be applied to common goods such as food, health and knowledge, in respect of which pressure brought to bear by civil society and “direct action” by citizens claiming their fundamental rights may establish an informal but effective “legal” framework for the proper recognition of such rights. What is more, this means that we must go beyond the traditional distinction between legally binding and non-binding documents and instead raise the issue of sociopolitical strategies for achieving in practice access to global common goods.

These struggles clearly show the links between common goods and fundamental rights, common goods and the free development of personality, and, lastly, common goods and public participation. However, the upsurge of interest in common goods as the “opposite of property” should not be justified through reference to the new institutional mediaevalism, perceived as a way of describing the world in the age of the Internet – that is, a world without a centre, ruled by manifold institutions interconnected via the Internet. Attempts are indeed made to assess several contemporary phenomena on the basis of mediaeval models: institutional polycentrism, legal pluralism, *lex mercatoria*, etc. However, this approach

can be faulted because common goods are by no means a topic referring to the past. They are actually characteristic of new mechanisms associated with the emergence of entities, players, social demands and goods that do not fit into the political categories used in the past.

It is precisely to counter these attempts and to emphasise the newness of the approach to common goods that Article 3 of the Charter of Fundamental Rights of the European Union, reflecting a position shared with many other international documents, prohibits “making the human body and its parts as such a source of financial gains”, and that UNESCO’s Universal Declaration on the Human Genome and Human Rights states that the human genome “in a symbolic sense [it] is the heritage of humanity”. “Humanity”, “humankind” and “mankind” are terms now used in legal documents, whereas “human” as an adjective is used to describe the dignity on which the Charter of Fundamental Rights of the European Union is based. Natural, historical and artistic goods are classified by UNESCO as the “common heritage of mankind” – and this heritage includes the sea bed and the moon, the Antarctic and the human genome. In pursuance of the Rome Statute of the International Criminal Court, crimes against humanity are a new category of offence, whereas the “right of humanitarian interference” and the “responsibility to protect” have been relied on, albeit controversially, in situations of major “crisis”.

But what is humankind? And who can speak on its behalf? Is there really a link between things seemingly as far removed from each other as the beauty of Venice and armed intervention in the Balkans? Can a concept of such broad scope be the source of new categories of goods? It can, if the concept in question entails both collecting mementos and looking to the future, becoming increasingly aware that there are a growing number of things in the world that should be kept away from national sovereignty, the omnipotent markets and the instrumentalisation of individuals. Thus humankind ultimately means “each and every one of us”, the intangible and common goods. It reminds us that not everything can be boiled down to today’s events. It establishes new rights and helps us to take the view of future generations, enabling us to make responsible decisions and adopt effective provisions on their behalf.

This idea of humankind seems to be the final step taken by the concept of the individual to achieve specific characteristics and to make it easier to identify the “stakeholders in the rights”. It is also a powerful antidote to the current danger of falling back into the abstract, potentially opening the way for authoritarianism and the intervention of players who usurp the power to represent humankind.

To avoid this danger, references to humankind differ and have different meanings. The word is used in relation to the constraints imposed by international treaties, which limit the power of appropriation vested in states – those states may not therefore help themselves to a share of the moon or the Antarctic. It becomes an obstacle to rapacious economic interests minded to destroy the environment or patent the living in all its forms. It is used for the purposes of solidarity-based commitments entered into by the most developed countries vis-à-vis the rest of the world. It is backed up by international courts with jurisdiction over flagrant violations of human rights and crimes such as genocide. Thus the abstract concept of humankind currently implies rights, obligations, and responsibilities for tangible entities.

The “reasonable madness” of common goods thus challenges both pillars of Western modernity: ownership and sovereignty. These two categories being called into question, a new categorisation is vital, based precisely on the primacy of common goods freely accessible without bias or exclusion. The protection of common goods should be designed in such a way as to go hand in hand with interests that are not focused exclusively on individuals, but rather on our future – so as to be linked directly with democracy and with safeguards for fundamental rights. The fundamental question raised 40 years or so ago in an essay entitled “Should trees have standing?” (Stone 1972), about who is entitled to step in to protect the environment, should now be answered in a broader context, through the granting of a right to take court (although not exclusively) action to any person or body with an interest in the preservation of a common good, now or in future.

This new radical allocation of social and legal powers reshapes the essential features of democracy: it strengthens citizens’ power while at the same time altering the norms applied to the categorisation and management of goods.

4. Some final remarks

Firstly, one of the main effects of classifying something as a “common good” is that access does not have to be paid for from individuals’ resources, because such goods intrinsically lie outside the realm of economic calculation. So the first task incumbent on states and regulators is to determine which goods are to be accessible through the market and which goods should not be subject to market logic. Otherwise, if we continue to apply the logic of economic rationality alone, we run the risk of eroding the moral foundations on which our societies stand.

Secondly, as we deal with the complex, difficult and ever-changing relationship between fundamental rights and common goods, we endure classic criticism of “human rights rhetoric”. But we must emphasise that this rhetoric has many times been, and still is, a powerful means at individuals’ disposal when they strive for greater freedom, more justice and more democratic power. Only by linking fundamental rights and common goods can we be freer in our own lives and take on responsibilities towards the others with whom we share those goods.

Thirdly, the direct connection between personal needs and the goods required to meet these, between population and resources, alters the conceptual framework relating to human rights. In place of the “abstract subject” of Western legal tradition, we discover a “real person” with his or her own material life, situation and capacities. A “constitutionalisation of needs” is emerging, *inter alia* through the new constitutions of Latin America (such as those of Ecuador and Bolivia).

Fourthly, in this wider perspective, we can rediscover a few terms that had been forgotten or gone out of use: “public interest”, a concept replaced in recent decades by the omnipresent term “personal interests”, meaning “private”; “social relationships”, a network of which is a precondition for a “good life” and the intangible basis of common goods, insofar as they produce – and are produced by – ongoing interrelationships such as those on the Web; the “future”, superseded by a “short-term vision”, although common goods entail a long-term vision and require account to be taken of future generations; and “equality”, a direct consequence of access to and effective management of these goods. So all these words lead us to take a fresh look at what “democracy” means today.

Finally, we must realise that only full implementation of the rights linked to the different common goods, the legal definition of which depends precisely on this relationship, can produce shared social responsibilities and offer humankind the opportunity to combat the dramatic “human divide” of the contemporary world, which jeopardises not only equality between individuals, but also their dignity, and even their lives.

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PART II

**ENCOURAGING THE PARTICIPATION
OF "WEAK" ACTORS AND MAKING
"STRONG" ACTORS RESPONSIBLE —
LEGAL AND POLITICAL FRAMEWORKS
FOR SHARING SOCIAL RESPONSIBILITIES**

How to move from “societies of fear” to sharing a common destiny – General conditions and legal instruments for sharing social responsibilities

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Whether in Europe or the wider world – or more specifically Europe within the world – the issue of social cohesion has taken on new urgency as the unravelling of local social bonds and the dismantling of the welfare state in favour of one modelled on the market combine to produce “societies of fear”. In order to rebuild cohesion, one initial solution would be to adapt the theme of the social contract to the myriad interdependencies created by the globalisation of flows (financial flows, information flows), risks (health, environmental, nuclear) and even crime (trafficking in goods and human beings, terrorism). What would that involve? Creating communities based on common goals and joint decision making, ready and willing to accept new social contracts perhaps?

While such an approach is certainly helpful, the juxtaposition of these communities is not enough to turn societies governed by fear into a “community of destiny”, because one does not arrive at a common interest merely by adding together various individual, and often conflicting, interests. Should we in that case be talking about a “new social contract”? Whether “social” (Paugam 2007) or “global” (Held 2005), “contract” seems too reductive and static a term to express the kind of multi-stakeholder, multi-dimensional, multi-level and multi-speed processes needed to create a dynamic that is both interactive and open-ended. Better then to return to the concept of common good, or common goods (see the chapter by Rodotà, p. 67 in this book).

The legal instruments illustrating the notion of common good have been described elsewhere, through mechanisms for the protection of human rights and global public goods: even though there are slight variations in scale from one mechanism to another, we will not concern ourselves with the theoretical aspects of their co-ordination (Delmas-Marty 2011). Our task here is to explore the more concrete question of how to move from societies of fear to sharing a common destiny, united in this quest for the common good? The exploration will be conducted in three stages, starting with an introductory look at the question in the light of the “two fears” that stalk our societies (1), following which we will endeavour to

clarify it with reference to the goals of “sharing a common destiny”(2). Then, and only then, will we attempt to provide answers, in line with the Council of Europe’s proposed charter on shared social responsibilities, by suggesting some of the legal instruments that would be necessary for the sharing of responsibilities in practice (3).

1. Two sorts of fear

There are, in general and within societies, two sorts of fear: fear of others and fear of risks and disasters. The former can lead to hatred and exclusion, because it divides communities and pits them against one another: it is symbolised by the construction of all those walls that humans have built through the ages, whether the Great Wall of China, the Roman *Limes* or the barriers being erected today to keep out migrants. The paradox is that, the more interchange there is, the more walls go up around the globe, less as a bulwark against military invasion than as a way of preventing, or better still filtering, contact between human communities. It is a futile exercise, however, because walls cannot stop people who are determined to get around them, even at the risk of losing their lives. The other sort of fear, however, the fear of risks and disasters, whether environmental, health, nuclear or financial, has the potential, in an increasingly interdependent world, to engender solidarity, involuntary at first but then conscious, eventually developing, with the desire to live together, into voluntary solidarity in the true sense.

The paradox of Europe is that it epitomises both types of fear at once. The history of European integration shows that what starts out as involuntary solidarity, based on the fear engendered by two world wars, can gradually develop into a voluntary form of solidarity: the European Economic Community (EEC) being associated with a community of individuals, in contradistinction to other regional organisations such as the North American Free Trade Agreement (NAFTA), which allows only the free movement of goods. The principle of solidarity is written into the European treaties and social cohesion is at the heart of the agenda of the Council of Europe.

Yet this same part of Europe (now the European Union) which abolished internal borders is now turning itself into a fortress, citing the need to tighten “security” on its external borders: human mobility is becoming almost a crime, with the “return directive” allowing undocumented migrants to be held for so-called “temporary” periods of up to 18 months. At this very time when oppressed peoples in the Arab world and elsewhere seem to

be overcoming their fear through a vast civic movement, even if it is not yet clear what the outcome of their struggle will be, it is sad to see Europe still shoring up the fortress and adopting an almost war-like strategy, especially on its southern borders, rather than showing its solidarity, for example by ratifying the 1990 United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

In stark contrast to this impulse to fence oneself off, the Council of Europe's charter of shared social responsibilities is about rising to the challenge of solidarity: in Europe, and between Europe and the rest of the world. The basic hypothesis is that, if fear is based not on hatred and exclusion but rather on the risks incurred by all, it can help foster awareness of a common destiny and encourage us to act together for the well-being of all. Such a transformation cannot come about through fear alone, however. There must also be a will to "live together", and hence a sense of belonging to the same community of values. It so happens that the recognition of common values is precisely the aim not only of the Council of Europe, with its European Convention on Human Rights and European Social Charter, but also of the European Union, through the case law of the European Court of Justice (ECJ) and the inclusion of the Charter of Fundamental Rights of the European Union in the Treaty of Lisbon. Unlike national communities, whose will is rooted in a common memory and history, the European integration process is generally characterised by the will to build a better future, something that, in time, should also become a feature of this inter-human international community which is just beginning to emerge from the inter-state model.

Other issues to be addressed include the "major social changes" mentioned in the Council of Europe's charter of shared social responsibilities, not least tighter migration controls, increased social exclusion and environmental damage. As is clearly stated in the charter, "faced with these challenges, the gap between politics and citizens, democratic deficits and inadequate forms of regulation, and the prevalence of short-term visions weaken the attachment felt for democratic institutions, increase the risks of violence and threaten social cohesion" (paragraph d of the preamble). The task is made all the more difficult by the fact that "these changes, conveyed and amplified by the media, are directly reflected in European public opinion, which fluctuates between the search for a vision of the future and a feeling of uncertainty, unease and loss of confidence given the unpredictability of social changes and the limitations of the proposed alternatives to the status quo" (paragraph e). It is against this difficult background that the goals of sharing a common destiny need to be seen.

2. Sharing a common destiny: the objectives

In order to believe in a common destiny, ways must be found of giving those who hold power and authority a greater sense of responsibility. It is no accident that in both Europe and elsewhere, the term “corporate social responsibility” (CSR) is gaining popularity. The European Commission, whether in its Green Paper (2001) or in the latest communication on implementation of the partnership for growth and employment (2006), defines CSR as “a concept whereby companies integrate social and environmental concerns in their business operations and in their interaction with their stakeholders on a voluntary basis”. Even though CSR remains a “soft” form of law, with no real obligation to provide redress for any victims there might be, it can at least help to focus attention. It does not, however, dispense with the need to implement the principle of solidarity, which is enshrined, *inter alia* in the Charter of Fundamental Rights of the European Union and underpins the concept of “shared social responsibility” (SSR).

Corporate social responsibility: focusing attention

It will be observed that a growing number of multilateral mechanisms are being set up today in an attempt to regulate the activities of transnational corporations (TNCs), meaning corporations whose head office is in a given country and which operate in one or more other countries, through sub-contractors, branches or subsidiaries.

In some cases these mechanisms are private initiatives, such as the codes of conduct adopted by TNCs themselves, or, more recently, the basic principles developed with NGOs, such as Forest Stewardship Council (FSC) accreditation, introduced in 1993 by environmental NGOs and the timber industry. Certification has also become a way of regulating the activities of various enterprises in specific sectors: rules and standards are laid down by private bodies, acceptance of which entails undergoing audits to assess compliance with the commitments given, such as the Kimberley Process Certification Scheme, adopted in 2000 in the diamond industry.⁹ In other cases the initiative comes from the public sector, such as the OECD’s Guidelines for Multinational Enterprises (1976), or the International Labour Organization’s

9. The Kimberley Process brings together various governments, the World Diamond Council and NGOs to prevent diamonds from being traded to finance armed conflicts in the countries of origin. Since September 2007, the Kimberley Process has had 48 participants representing 74 countries, with the European Union and its member states counting as a single participant.

(ILO) tripartite declaration of principles concerning multinational enterprises and social policy (1977, amended in 2000), or from the public and private sectors combined, such as the Global Compact launched by the UN Secretary General Kofi Annan in 2000 to involve the private sector in advancing the Millennium Development Goals through 10 basic principles.

With this kind of “social responsibility”, conceived with reference to rules that have little if any binding force, there is no obligation to “answer” to a judge whenever these rules are infringed. Likewise codes of conduct, even though they have been strengthened by standardising the commitments in question (such as through the ISO 14001 standard introduced in 1996 in the field of environmental management, the SA 8000 standard on social rights and the ISO 26000 standard on social responsibility, introduced in 1997) and by agreements negotiated between TNCs and international trade union organisations (Moreau et al. 2010), they offer no guarantees of effectiveness. The United Nations draft “Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights” adopted in August 2003 by the UN Sub-Commission on the Promotion and Protection of Human Rights was more ambitious in this regard. The report that followed, however, and which was submitted for consultation, until 31 January 2011, by the Special Representative of the Secretary-General on Human Rights and Transnational Corporations, appointed in 2005, is extremely vague (Ruggie 2011). Merely referring to the “risks” does not take account of the human rights violations that may be attributed to a corporation. And the concept of “remedy” is not enough to define the conditions for effective redress, whether that is the existence of adversarial proceedings before an independent, impartial judicial body; a reasonable timeframe for processing complaints; access by third parties including NGOs and victims’ associations; guarantees of the transparency and public nature of the proceedings; effective execution of decisions and penalties; and remedial or restitution measures.

Under international law as it stands at present, with the notable exception of disputes between states and investors, which are subject to international arbitration, only states and individuals are considered to be subjects of international law, bound by international conventions and jurisdictions. There is, too, a lack of symmetry because whereas in theory transnational corporations can seek enforcement of their rights before the European Court of Human Rights, their obligations cannot be the subject of an application, even though the corporations in question are often more powerful, economically speaking, than states. Of the 100 largest economic entities in 2009, for example, 44 were corporations, not states.

And if we consider the top 150, the proportion is even higher, at 59%. (Keys and Malnight 2010).

One should not be deceived by the abundance of mechanisms, therefore. In the name of CSR, analyses and critical assessments are being undertaken that show the difficulties and identify goals, and hence drum up support in the private and public sectors alike, but it still remains to make the move from a list of founding principles to processes that ensure a genuine sharing of social responsibilities. For TNCs are already organised globally and their flexibility allows them to juggle with national and regional legislations and to develop a body of law specific to them, *lex mercatoria*, while at the same time managing to avoid the rules that apply to those subject to international law, in particular international human rights law.

To ensure states' obligation to protect human rights and corporations' obligation to respect them, as proclaimed by the UN's special representative, CSR needs to become more firmly entrenched, and "soft law" perhaps turned into "hard law", implying recourse to an authority with the power to impose sanctions. For states, however, the temptation is rather to restrict their regulatory potential for fear of becoming less competitive, economically and legislatively, and driving away investors. It is true that states have traditionally had unfettered discretion in how they redistribute resources and in their budgetary decisions designed to implement the principle of solidarity. Faced with the social risks arising from migration, social exclusion or environmental damage, their "social responsibility" remains, at international level, more political than legal, although Europe is beginning to break new ground here, with the decisions of the European Court of Human Rights and the quite unique case law of the European Committee of Social Rights (ECSR). Even more innovative, because it takes account of the many different actors, the concept of shared social responsibility (SSR) should contribute to the practice of solidarity.

Shared social responsibility: putting solidarity into practice

In an unpredictable world, a community with a common destiny is one that is capable of anticipating change and, at the same time, innovating, not only in terms of skills and technologies, but also in terms of legal remedies. The inclusion of a greater number of actors is essential: even though it has the potential to cause confusion, it is also an invitation to invent, in this period of transition, a new "multi-dimensional" model, in order to organise the division of responsibilities between public and private partners. Such arrangements are complex because they need to preserve some latitude for individual countries, including in terms of the speed of

integration of common standards, which will vary according to the level (local, national, European or global) and according to the state (polychronic timing). Between sectors, however, the process needs to be synchronised in order to avoid distortions (asynchrony) of the kind that can be observed, for example, between trade law, where integration is proceeding apace, and social rights, where progress is being delayed, if not obstructed, by economic considerations (Supiot 2010). What can be done to ensure that these principles become effective and efficient practices?

While the inclusion of more actors calls for the sharing of responsibilities, social and moral resources are necessary but not sufficient. With power, be it political or economic, comes responsibility, not only ethical but also legal. That may seem like a simple maxim, yet it conceals within it an extremely difficult issue, one that cuts across various branches of law. The Council of Europe charter of shared social responsibilities, which covers all of the parties concerned, could also therefore be a source of inspiration for global governance and a fresh approach to the issue of the responsibility of states and global actors, such as transnational corporations.

As regards states' responsibility for unlawful acts, the international community has been trying to codify this for years, without success. The so-called "sectoral" treaties, which include human rights, and other specific machinery, concerning trade or the environment for example, already make some provision, at European level, for states to be held accountable for the social consequences of their actions. But they are not enough, because the European Court of Human Rights tries only states, which excludes transnational corporations, while the ECJ, which tries both, is now more concerned with competitiveness than with social justice (see below).

Likewise at international level, where states can be held accountable in certain sectors, the distortion between the law on already globalised trade and investment under the supervision of quasi-judicial authorities such as the World Trade Organization's Dispute Settlement Body or the International Centre for the Settlement of Investment Disputes, and barely protected social rights is slowing, if not impeding, advances in social justice. The social movements in North Africa are an unexpected but exemplary consequence of this. As for environmental protection, the compliance mechanism for the Kyoto Protocol on climate change makes some provision for states to be held accountable, but it was not renewed under the Cancun agreement, which merely envisages a monitoring and verification procedure defined as being "non-intrusive, non-punitive, respectful of national sovereignty".

In order to share social responsibility among states and corporations, it is not enough to simply launch a slogan (as the UN Secretary-General's special

representative did with the “Protect, respect and remedy” framework). What is needed is a more detailed and innovative mechanism. The Council of Europe draft charter on shared social responsibilities looks promising in this respect, but action would still be needed to avoid the “growing gap between the formal recognition of rights and their implementation”¹⁰ and hence to acquire the legal means to achieve genuine sharing.

3. Legal instruments for sharing responsibilities

If responsibilities are to be shared, not only do multi-stakeholder decision-making mechanisms need to be improved, but also provision must be made for judicial or quasi-judicial mechanisms, so as to provide answers to three key questions: who can be held to account? In which courts? And with what kind of support?

The solution would be to increase the effectiveness of social rights vis-à-vis TNCs; to enhance “enforceability”, that is, to provide judicial, or quasi-judicial, remedies both against states and against TNCs; lastly, in order to overcome the current inertia, it is essential to allow active support by “civic stakeholders”, thus introducing genuine “citizen” participation.

Making social rights more effective against transnational corporations

A look at the rise of TNCs reveals that in the early 1960s, the international economy was already focused on foreign direct investment and geographical mobility for businesses. It was then discovered that mobility conferred a degree of independence from the national legal framework and that companies were going to be able to exploit this in their own best interest.

In 1979, together with Professor Klaus Tiedemann of Germany, we looked at how multinational companies were profiting from disparities in countries’ criminal legislation, for example multinational pharmaceutical companies selling products in Latin America that were banned in the United States (Delmas-Marty and Tiedemann 1979). This research was presented at the UN world congress the same year, under the heading “Offences and offenders beyond the reach of law?”.

From the 1990s onwards, a growing number of sectors fell prey to the strategies of multinationals, now TNCs, which have become fully fledged

10. Preamble, section 5 of the Draft charter on shared social responsibilities, under “Related documents”, at www.coe.int/t/dg3/socialpolicies/socialcohesiondev/.

political actors in today's globalised world, where, as we have seen, they wield more influence than many states. The term "global", initially used to describe financial operations (as in "global finance"), now applies to numerous fields relating to social justice (employment, health, environment, information and even internal and external security, with the privatisation of the police force and, in some cases, the army).

For TNCs to be able to be held to account for violations of social rights, changes must be made to the legal framework, as proposed by the Forum for a new World Governance, in the 46 proposals made by the Sherpa association for regulating TNCs (Bourdon and Queinnec 2010). Three of these proposals are examined below.

Introduce greater transparency

One initial suggestion would be to require companies at the head of transnational groups to report annually on the social and environmental impact of their action, including all entities that make up the group, with the scope of the reporting being based on the scope of consolidation used in financial accounting.

The scheme's success, however, would depend on factors such as the involvement of auditors and changes in accounting practices, with the emergence of comprehensible indicators for comparing companies' social and environmental performance, or the possibility for stakeholders (employees, clients, suppliers and civil society organisations) to play a monitoring role alongside auditors and shareholders. The proposal is a highly sensitive one in France where reporting tools of this kind were extended by the New Economic Regulations Act of 15 May 2001, but only for listed companies; and although under Article 225 of the Grenelle II Act of 12 July 2010, non-listed companies with 500 employees or more will also be subject to the reporting requirement, a draft decree on corporate transparency requirements in social and environmental matters, if passed, would delay implementation for two years.

Another sensitive issue concerns "shell companies" which, set up at certain various points along the routes taken by funds, blur the picture and make it difficult to discover the identity of the real beneficiaries, thanks to some 72 tax havens around the world. Abolishing the anonymity of tax haven beneficiaries is another important suggestion, therefore, not only for fiscal reasons but also because anonymity, by reducing the visibility of the financial flows that pass through these entities, makes it difficult to obtain the information needed for reporting. Shell companies, moreover, generally have their head office in "legal havens", where regulations are lax or

non-existent, a common practice in the case of oil rigs and tankers registered in countries that exercise no oversight, making it difficult not only to obtain information but also to identify the relevant parties.

Make it easier to identify those responsible

Intra-group operations now account for 60% of international trade. Although the concept of “group” is recognised in Europe, it is only partially recognised, via laws governing competition, employment, accounting and taxes. Corporate social responsibility, however, is difficult to assign when the group places operational control in the hands of “local managers”, with the parent company retaining control over global strategy. In order to determine which of the entities that make up the group is really responsible, the part played by “local managers” needs to be assessed, and this assessment will differ depending on whether the entities in question are subsidiaries with their own legal personality, independent in each of the countries where they operate, or non-autonomous sub-contractors and branches.

In the case of subsidiaries, the fact that they are legally autonomous makes it difficult to attach liability to the parent company. Nevertheless, in the trial surrounding the pollution caused by the sinking of the *Erika*, chartered by a subsidiary of the oil group Total, the parent company, which had offloaded responsibility for nautical management, had retained a right to check vessel compliance under its vetting procedures, thereby enabling a Paris court (Le Couviour 2008) and later the Paris Court of Appeal to find it civilly and criminally liable. It is suggested that this case law be strengthened by internal and international law provision so as to make parent companies assume full responsibility for the social and environmental consequences of the activities of all the entities that form the group, and thus encourage them to do their utmost to prevent and make redress for the social and environmental impact of these activities.

The way to achieve this may be through civil law, if the parent company could be held fully responsible for all harm caused by a violation of basic rights or damage to the environment perpetrated by an entity over which it exercised legal or effective control (through owning shares or application of contractual agreements). That was the thinking behind the “Lepage Mission” set up in November 2007 to look at the role of expert opinion in the field of biotechnologies and genetically modified organisms, whose progress report published in January 2008 proposed that the principle of “vicarious” liability be extended to groups of companies (described in France in Article 1384-1 of the Civil Code).

As for suppliers and sub-contractors, many TNCs have inserted social and environmental compliance clauses in their purchasing conditions, but there is a growing tendency to contract out ethical responsibilities to sub-contractors and suppliers, with no guarantee that the latter will have the means to actually fulfil them. At the same time, marketing campaigns and ethical commitments are introduced at group level. In other words, even as subsidiaries are becoming increasingly autonomous, the parent company still retains a great deal of influence over how operations are conducted, and reaps the benefits (through upstream dividend payments and the system of transfer pricing). It therefore makes sense to also make the parent company accountable vis-à-vis the actors in the supply chain. This obligation to exercise due diligence, which means taking all reasonable measures to identify and avoid any violation of basic rights and environmental damage that fall within their sphere of responsibility, already features in the ISO 26000 standard. That said, identifying the responsible party is a necessary but not sufficient condition in criminal law, where responsibility must also be “imputable”.

Enable criminal or quasi-criminal liability to attach to legal entities

Unlike civil wrong, criminal wrong can be imputed only to someone who has the capacity to intend and understand their act, which excludes minors, the mentally ill and traditionally too, in some parts of Europe, what are referred to as “legal persons”, or an entity, either an individual or a group, that has legal personality in the same way as a natural person.

Accepted in common law, the criminal liability of legal entities has more recently been recognised by a number of states from the Romano-Germanic tradition. France introduced the principle into the 1993 Criminal Code, and then extended it in 2004 to all offences committed “on their behalf, through their organs or representatives” (Article 121-2 Criminal Code). Other countries (Belgium, Spain and even Luxembourg and, rather more ambiguously, Italy) have followed suit. Germany, on the other hand, continues to dispute the existence of such a principle, holding that fault can be individual but not collective, although it does recognise an administrative form of punitive liability.

Whatever the difficulties involved in identifying the responsible party, especially within groups, it is essential to be able to impute criminal conduct to a legal entity when the decisions are the result of collective deliberations, notwithstanding the possibility of cumulative responsibility in cases of individual wrongdoing. In other words, it is suggested that the criminal liability of legal entities be recognised and that quasi-criminal liability be

treated as criminal liability, because that is the condition for bringing a case before a court which can impose not only damages but also punitive sanctions. It hardly matters whether such liability is criminal, administrative or even civil as long as it is sufficiently dissuasive.

Enhancing “enforceability”

Merely having legal instruments that make it possible to take TNCs to court over social responsibility issues is not enough to put an end to infringements of social rights. Corporations themselves, moreover, are discovering that “enforceability”, or the possibility of bringing legal proceedings, or quasi-judicial proceedings, is essential if everyone is to be able to compete in the market on equal terms. Otherwise the cheats will gain an unfair competitive advantage over other TNCs. A level playing field, in other words, is essential for the functioning of a sustainable market economy.

All this takes us to the heart of the contradictions engendered by globalisation, for the law continues to be identified with individual states and most litigation takes place in domestic courts, when in fact the latter are ill-equipped to handle complaints against states and are totally unable to cope with the fragmented nature of the decision-making process and the scattered nature of the effects when dealing with TNCs.

Action against states

The effectiveness of remedies has improved somewhat with the emergence and development of constitutional courts and continental or intercontinental human rights courts. Globally speaking, however, it is still fairly poor.

At national level, the enforceability of social rights is slowly gaining constitutional acceptance in Latin America, South Africa, India and Japan, but not in the United States (Roman 2011). Even in France, the incorporation by the Conseil constitutionnel of the right to housing on account of the need to protect human dignity, and the recognition in its decision of 19 January 1995 that “the possibility for everyone to have decent housing is an objective of constitutional value” did not stop the government from passing a decree on 8 September 2008 restricting the right to housing (the Dalo Act) by making it conditional upon permanent residence, with claimants being required, for example, to show that they have been continually present in France for at least two years. A petition has been lodged with the Conseil d’Etat (Ref. No. 322326) by the Groupe d’Information et de Soutien des Immigrés (GISTI) and the Fédération des Associations et des Acteurs pour la Promotion et l’Insertion par le Logement (FAPIL) against the immigration and housing ministries and is currently pending.

At European level, there are now several avenues for seeking redress. At the Council of Europe, the European Court of Human Rights can examine violations of social rights “through a knock-on effect”, meaning that when the violation also affects a civil or political right such as the right to a fair trial or the right not to be discriminated against (Sudre 1998). In addition, the European Committee of Social Rights, a collective complaints system set up in 1998 and open to trade unions, employers’ organisations and certain NGOs, checks for violations of the rights enshrined in the European Social Charter (Brillat 2009). On 5 June 2008, for example, the Committee published two decisions in response to two collective complaints lodged in 2006 by ATD Fourth World and the European Federation of National Organisations Working with the Homeless (FEANTSA), finding France to be in violation of the right to housing and setting out five general obligations for states: adopt the necessary means for implementing social rights (including the right to housing); maintain statistics in order to assess the situation; undertake regular reviews of the impact of the strategies adopted; establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage; and, lastly, pay close attention to the impact of the policies adopted, particularly on the most vulnerable groups. At the same time, the Charter of Fundamental Rights of the European Union, much of which concerns social rights, can now be invoked before the EU Court of Justice.

At international level, however, the lack of synchronism referred to earlier is causing social rights to become dislocated, as it were, from trade law. Whereas there has been an international regulatory body for trade since 1994 in the shape of the World Trade Organization’s Appellate Body, the UN’s International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966 possesses no such safeguards. Set up in 1985, the Committee on Economic, Social and Cultural Rights, which monitors implementation of the covenant, has tried to develop a doctrine common to all human rights, requiring states to respect (negative obligation not to commit violations), protect and fulfil (positive obligation), and has thus served to gradually demonstrate the enforceability of social rights. It is likewise interesting to note that, in its opinion in the case of the West Bank wall (2004), the International Court of Justice (ICJ) held that the construction of the wall restricted freedom of movement, and thus impeded the exercise of a number of rights protected by the ICESCR (work, health, education and access to water), adding that there was no state of necessity that would justify the restrictions.

It was not until 10 December 2008, however, during the celebrations to mark the 60th anniversary of the Universal Declaration of Human Rights,

that the UN General Assembly adopted an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to provide a quasi-judicial remedy by creating an international individual communications procedure for victims of violations of the rights guaranteed under the covenant. Ratification of this protocol by European countries, which is one of the measures we suggest here, would thus be a significant step forward in terms of enforceability.

It will further be noted that the idea of linking environmental responsibility to human rights violations committed during wars or armed conflicts is already enshrined in the Statute of the International Criminal Court (Article 8.2(b.iv) which defines a war crime as the act of “intentionally launching an attack in the knowledge that such attack will cause incidental ... widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated”. The final provisions, however, subordinate protection of the environment to military necessities, as the International Court of Justice did in its advisory opinion on nuclear weapons, recognising, quite apart from the question of whether the environmental protection treaties are applicable during a war or armed conflict, that the treaties in question were not intended to deprive states of the exercise of their right of self-defence because of their obligations to protect the environment. No offence is held to have been committed if the damage to the environment is deemed to be necessary and proportionate in the pursuit of legitimate military objectives (International Court of Justice 1996).

Widening the ICC Statute to include ecocide, however, as proposed by legal scholars in the early 1990s and again in 2009 (Gray 1996, Neyret 2009), would make it possible to try separately individuals, including heads of state, responsible for the most serious offences against the environment, in particular where they cause an ethnic group or indigenous community to be wiped out, or disrupt the balance of the biosphere in a manner sufficiently severe to threaten the survival of the planet. In such areas, proceedings should also be able to be brought against certain TNCs, in particular where they engage in the exploitation of natural or mining resources in a way that conflicts with the interests of an indigenous community.

Action against transnational corporations

Given the scale of the social problems caused by outsourcing, the contrast between the plethora of soft law instruments and the virtual absence of hard law provision, whether for bringing civil or criminal actions against TNCs, is rather surprising.

In civil matters, it will be noted that there has been criticism of the rules of private international law in cases involving the outsourcing of industrial activities by companies in developed countries: “[private international law] has to a large extent served, and is still serving, to shield foreign employers from the demands of the local workforce” (Muir-Watt 2010). At least, though, European law has gone some way towards correcting these pernicious effects with Council Regulation No. 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, transposing the 1968 Brussels Convention on jurisdiction in civil matters: whatever their nationality, natural and legal persons domiciled in a member state must be sued in the courts of that member state. This mechanism can be used Europe-wide to remove private international law obstacles and to protect the rights of persons affected by activities conducted abroad by TNCs domiciled in the European Union. Its impact has been diminished, however, by the case law of the EU Court of Justice, which limits the applicability of social rights in the case of intra-community outsourcing. Two judgments are worth mentioning here, both of which have attracted extensive comment: the *Laval* case (C-341/05, decision of 18 December 2007) concerning the posting of workers from Latvia to work on a building site in Sweden and the right of the Swedish trade union to bring proceedings against a Latvian company, Laval, which had refused to sign a collective agreement, and the *Viking* case (C-438/05, decision of 6 December 2007) concerning a ferry operating the route between Estonia and Finland, whose owner wished, for financial reasons, to re-flag the vessel by registering it in Estonia).¹¹

In both of these judgments, European judges affirmed the primacy of freedom of establishment over social rights, going so far as to question the right of trade unions of a member state to take collective action, because such a right “is liable to make it less attractive, or more difficult, for undertakings to provide services in the territory of the host member state, and therefore constitutes a restriction on the freedom to provide services within the meaning of Article 49 EC” (*Laval*). It was pointed out that: “the abolition, as between member states, of obstacles to freedom of movement for persons and to freedom to provide services would be compromised if the abolition of State barriers could be neutralised by obstacles resulting from the exercise, by associations and organisations not governed by public law, of their legal autonomy” (*Viking*). Such case law, which favours social dumping, ultimately pits member states against

11. On the decisions in the *Viking* and *Laval* cases, see in particular the comments by Jorge and Rodi (2009) and Rodière (2008).

one another, forcing them to compete on social and fiscal legislation, and further reduces their room for manoeuvre, encouraging the shift from the welfare state to one ruled by the market.

In criminal matters, litigation is even more difficult because, under the principle of territoriality, TNCs can be held accountable only in the host countries, which often do not have the means to conduct such trials and, besides, are afraid of driving away investors. It is sometimes possible, on the principle of “active personal jurisdiction”, to bring an action in the country of origin. Such is the case in France, if a criminal offence has been committed. The oil company Total, for example, was sued by a group of Myanmar farmers forced to work on the construction of a gas pipeline in the country. The victims filed a suit against Total, alleging that, together with the Myanmar military and police, the group had committed serious human rights abuses (torture, forced labour, rape, murder) during the construction of the pipeline. A settlement was reached before the trial could begin, so at least the victims received compensation. In the case of lesser offences, however, the double jeopardy rule prevents offenders from being re-prosecuted in their country of origin. Universal jurisdiction is still the exception, limited to a few countries and only the most serious offences, such as crimes against humanity or torture.

So it is that US law has effectively become the main instrument for holding TNCs accountable world-wide for the social consequences of their actions, under the Alien Tort Claims Act (ATCA) or the Alien Tort Statute (ATS) adopted in 1789 and rediscovered in the 1980s. This legislation gives US federal courts the power to award civil punitive damages in cases where there has been a violation of international law (the law of nations), even if was committed abroad, by foreigners against foreigners. A number of cases involving human rights violations, including forced labour, have been tried in this way.

The most iconic, *Doe v. Unocal*¹² concerns the same offences and the same group as in the Total case, but was directed against another company in the group, the US company Unocal. For the first time, a US court held that the Alien Tort Statute applied not only to violations committed by governments or their agents, but also to individuals and transnational corporations. Since this case, numerous multinationals (Shell, Rio Tinto, Freeport McMoran, Exxon, Pfizer, Coca Cola) have been sued under the Alien Tort Claims Act (Abadie 2004).

12. *Doe v. Unocal*, 27 F Supp 2d 1174, US District Court for the Central District of California, 1998.

The American system is often held up as a model therefore. In 2009 a former prime minister of the Netherlands, following an out-of-court settlement in which a company paid 15 million dollars in *Wiwa v. Dutch Petroleum*, published an open letter in which he stated, *inter alia*: “We should be ashamed, as Dutch and Europeans, that there was no place in the Netherlands for SaroWiwa’s relatives to take their grievances. ... Society has the right to expect corporations to act in a socially responsible manner, especially so in the case of multinational corporations, because of the great power and influence they have” (Lubbers et al. 2009). Likewise, according to Professor Muir-Watt (2010): “the number of cases currently pending is an indication of the hope that has been invested around the globe in the effectiveness of this law [the ATS] – or possibly of the despair that drives victims from all over the world, who have nowhere else to turn, to take their grievances to the US courts.”

The Alien Tort Statute, however, which is still relatively young in its latest incarnation, has been submitted only once to the US Supreme Court, in the *Sosa* case, where the court confirmed the statute’s grant of jurisdiction to US federal courts, but also imposed limitations (on the principle of positive comity, or international courtesy), perhaps paving the way for a retrenchment. That would explain the rather surprising decision at the end of 2010 by the Second Circuit Court of Appeals in New York in the *Kiobel* case.¹³ A new class action had been brought against the Dutch Petroleum group, which was accused of aiding and abetting human rights violations committed by the Nigerian military against the Ogoni people when the latter protested against pollution caused by oil production. The decision is surprising because, contrary to its previous decisions, the US Court of Appeals ruled that corporations could not be properly sued under the Alien Tort Statute.

The majority view in countries from the Romano-Germanic tradition is that legal entities cannot be held liable for serious human rights violations. Added to this is a more political argument, about not imposing “American values” on the rest of the world. It is certainly the case that, ever since its revival in 1980, the Alien Tort Statute has been marked by controversy over US courts’ interference in other countries’ affairs. As defined by the Supreme Court, the statute applies only to values that are recognised by customary international law and respected by “the civilized world” (in the court’s words). Judge Laval, however, in his dissenting opinion, explains

13. *Kiobel* case, US Court of Appeal for the 2nd Circuit, *Kiobel v. Royal Dutch Petroleum*, 17 September 2010; US Court of Appeal for the 2nd Circuit, *Kiobel v. Royal Dutch Petroleum* (panel), 4 February 2011.

the originality of the American system, under which civil liability can be combined with “punitive” damages. If we accept the universal application of this system to private individuals, there is no reason why it should not apply universally to corporations as well.

Pending a final resolution of the matter by the Supreme Court, the number of divergent rulings continues to grow: after *Kiobel*, a court of first instance in Indiana dismissed a lawsuit filed by plaintiffs whose allegations of inhuman working conditions would previously have been actionable under the Alien Tort Statute, but which were no longer deemed to be so in the light of the *Kiobel* case because the defendants were legal entities. A case before the District Court for the Central District of California, *Doe v. Nestle*,¹⁴ involving allegations of forced child labour by TNCs, was likewise dismissed. In July 2011, however, two appeal courts decided to depart from the *Kiobel* ruling and reaffirmed that legal entities could be sued under the Alien Tort Statute.

Who, then, should decide whether transnational enterprises have been socially responsible? The time has surely come for Europe to step in with some suggestions. As international human rights law and international criminal law stand at present, the only solution to the problem of enforceability is to extend internal law. The question is, how? Universal jurisdiction, whether civil or criminal, can act as a stimulus in a transition period, but it operates only in a few countries, which creates gross inequalities. Extending the principle of universal jurisdiction to all countries would be more satisfactory from an equality point of view, but in practice there is liable to be widespread chaos if a judge in any country were able to try, under his or her domestic law, violations committed anywhere in the world.

The most sensible solution, and one that could usefully be put forward by Europe, would be an international convention to combat such violations of international human rights law committed by TNCs. In order to take account of difficulties in the host country, jurisdiction should preferably be assigned to the countries of origin, but on two conditions: the scope for arbitrary decisions (*forum non conveniens*) must be reduced by specifying the criteria for a possible referral to the host country and, where a case is referred, the host country must be provided with the means to conduct the investigation and ensure that any ruling against a TNC is enforced.

The real key to overcoming resistance, however, lies in “citizen” participation, which could use the Council of Europe charter of shared social responsibilities to set the legal mechanisms, present and future, in motion.

14. *Doe v. Nestle*, District Court for the Central District of California, 8 September 2010.

Organising citizen participation

Whatever mechanisms are used to ensure the effectiveness of social rights vis-à-vis TNCs and their “enforceability”, that is, national or international litigation, the examples mentioned show that no single mechanism is effective by itself, but that it becomes effective thanks to “citizen participation”. This expression is sufficiently wide to encompass not only NGOs, which are, as it were, the default group, being organisations that have no affiliations either with the state or with the market, but also, more broadly, civic stakeholders understood in the political sense of parties that “take on the role of self-appointed challengers to established authority or of more organised intermediate bodies” (Pech and Padis 2004, Decaux 2005, Soumy 2008). Likewise, the term “participation” is sufficiently wide to include the framing of instruments, and also their implementation, according to various legal procedures.

Assistance for victims

The first task here is to inform victims about their rights and, if necessary, provide them with procedural assistance in defending those rights. In the United States, the revival of the Alien Tort Statutes in 1980 came about thanks to the active support of the Center for Constitutional Rights. More generally, where TNC accountability is concerned, 2010 saw two initiatives of this kind: one by Amnesty International, the Fafo Institute for Applied International Studies and the Norwegian Peacebuilding Centre, which published a report entitled “Improving access to judicial remedies for business involvement in grave human rights abuses” (Taylor et al. 2010), and another by the International Federation for Human Rights, which produced a report entitled “Corporate accountability for human rights abuses: A guide for victims and NGOs on recourse mechanisms” (FIDH 2012).

As regards state accountability, NGO participation in “enforceability” takes place mainly in the human rights field, where NGOs are recognised as having a right to report, protect and communicate in the interest of victims. At global level, they can thus contribute to individual communications addressed to the various bodies provided for in the UN treaties, in particular the UN Human Rights Committee, by providing specimen forms. Such bodies, however, are not fully fledged judicial authorities with the power to convict states.

In the European Court of Human Rights, on the other hand, NGOs very often inform victims about the possibilities afforded by international instruments. According to Professor Flauss, a great many individual applications to the Court are in actual fact “masterminded by NGOs” (Flauss 2005: 75).

Some, he maintains, even actively canvass vulnerable groups to make them aware of the Court's existence, provide help in lodging applications and, if necessary, represent the applicants in Court and act as counsel for them. Far from giving cause for concern, this may be seen as a useful counterweight to states' efforts to dissuade would-be complainants. In some cases these efforts have assumed worrying proportions, as in the Russian Federation, for example, where prisoners who try to bring cases have had their letters to the Court intercepted, or been placed in worse conditions of detention, or even accused of making things worse for their fellow inmates.¹⁵ In some cases, however, the protection of victims' rights is accompanied by participation in the proceedings, either directly or indirectly.

Civil action by groups

This is the most direct form as it allows civic stakeholders to act as a party to the proceedings, usually in one of two ways. Under the American system of class actions, large numbers of plaintiffs can be aggregated into a single civil lawsuit, but not associations or trade unions. It had been planned to extend the extraterritorial reach of US legislation (in the financial securities field), but on 24 June 2010 the US Supreme Court ruled that any such extension would infringe the sovereignty of other nations (Gaillard 2010). Some European countries have incorporated the American model into their domestic law and in France, President Chirac and later, in 2007, President Sarkozy considered following suit but ultimately backed down because of concerns voiced by the business community.

The French system, on the other hand, whereby groups can apply to join proceedings as a civil party, on behalf of the collective interest they represent, is open to all trade unions and a growing number of associations.¹⁶ It can be used to bring a criminal prosecution and has the potential to be a driving force in the implementation of corporate social responsibility.

Turning finally to the collective interest extended to include future generations, which could be regarded as a new "centre of interests" (Gaillard 2011), the group civil-action model could be useful, unless we do as Hungary did in 2008 and introduce an ombudsperson for the environment and future generations.

15. *Ilascu and others v. Moldova and Russia* (8 July 2004); *Shamayev and others v. Russia* (12 April 2005). On access to the ECHR, see in particular Lambert-Abdelgawad (2006).

16. Reference could be made, *inter alia*, to the judgment handed down by the Criminal Division in the so-called "ill-gotten goods" case on 9 November 2010. On the case in question and on the role of civil action by associations, see the comments by Roets (2010), Roujou de Boubée (2010) and Lavric (2010).

Third party intervention in proceedings

In human rights matters, “third party” status, which was initially reserved for states, was eventually extended to NGOs, via Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby, which came into force on 1 November 1998,¹⁷ and the Rules of the European Court of Human Rights. These provisions give NGOs an active role, not so much vis-à-vis the respondent states, which generally do not respond to their submissions, as vis-à-vis the international courts, which use these submissions to assist them in their decision making. In 2006, British and in some cases North American NGOs could still be said to have a virtual monopoly where civil and political rights were concerned (Flaus 2005). Since then, however, French NGOs (including ATD Fourth World) have shown themselves to be able defenders of social rights, not least by complaining to the Council of Europe’s Committee of Social Rights and securing a finding of violation against France (see above). Likewise the Groupe d’information et de soutien aux immigrés (GISTI), together with the Fédération des associations pour la promotion et l’insertion par le logement (FAPIL), were behind the petition filed with the Conseil d’Etat in 2009, protesting against the decree limiting the right to decent housing in the case of foreign nationals (see above).

It should also be noted that environmental NGOs have managed to make inroads into the World Trade Organization (Angelet 2005) by filing submissions with the special panel dealing with the “shrimp-turtle” case, on the ground that shrimp trawling posed a threat to a protected species of turtle.¹⁸ The special panel had ruled that the procedure was contrary to the Memorandum of Understanding (Article 13) but agreed to attach the submissions to the parties’ written communications. The Appellate Body, having thus read the submissions, went on to recognise the role of NGOs by conceding that special panels could receive submissions from them and assess their relevance.

Lastly, the *amicus curiae* procedure (Menétrey 2010), which has its roots in common law but has been extended to other systems and is widely

17. Article 34 of the Protocol amends the provisions on individual applications, stating that “The Court may receive applications from any person, *non-governmental organisation or group of individuals* claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto” and that “The High Contracting Parties undertake not to hinder in any way the effective exercise of this right”.

18. See the WTO Appellate Body Report on the shrimp-turtle case, published on 12 October 1998.

used in international law, allows civic stakeholders, “friends of the court”, to provide the court with information on points of law. Accordingly, in the Milosevic trial, 93 *amicus curiae* briefs were filed by NGOs and ordinary members of the public.

Conclusion

The new Council of Europe charter of shared social responsibilities should act as a spur, both in Europe and beyond. In Europe, provided states accept it and other actors learn to use the instruments it affords, it can help to transform decision-making mechanisms and so generate fresh conceptions of the common good. It is the starting point for a system of sharing ethical and legal responsibilities that does not lead to social dumping, but rather combines soft law and hard law to form a new and original model, one that is both liberal and social.

The Charter also has a role to play beyond Europe, however. For Europe is probably the only part of the world where the quest for social cohesion is being conducted in a pluralist fashion (since no member country is in a dominant position) and through a bipolar legal mechanism (with the Council of Europe and the European Court of Human Rights on the one hand, and the European Union and the European Court of Justice on the other) which facilitates interaction between the market and human rights. Pluralism and bipolarity are two major assets which make Europe a pioneer in the globalisation process. The avenue opened up by the Charter, therefore, could herald the emergence of a future world community that would overcome its fears, confident at last in its own destiny.

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Enterprises as players sharing social responsibilities

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Introduction

In this paper I propose to set out some observations and comments on the role and behaviour of enterprises as players sharing social responsibilities in a complex systemic context. This chapter is therefore not intended as a contribution to a theoretical field that has already been extensively explored under the concept of “corporate social responsibility” (CSR) (Sacconi 2010).

I propose, on the other hand, to put the emphasis on the ambiguous, multifaceted and constantly changing nature of the influence of enterprises in humanity’s social and societal life and in the equilibrium of the global ecosystem.

The outcome of this strong influence is not readily manageable, given the co-existence today of different systems for regulating socio-economic action and, hence, different operating rationales. As noted by Pierre Calame (2009), the “economy” has lost its bearings. Etymologically, “oeconomy” is the result of the combination of the two Greek words: *oikos*, meaning household, and *nomos*, meaning law. Strictly speaking, therefore, the economy is the set of rules for sound management of the household. In a now famous speech, Mikhail Gorbachev told the United Nations General Assembly in 1988 that our common home, our household, was henceforth the planet. The new “oeconomy” should accordingly denote the art of organising material and immaterial exchanges between human beings and between societies, and between humanity and biology. In the Council of Europe’s perspective, this definition based on etymology could denote rules of production and exchange which are able to guarantee, at one and the same time, the self-fulfilment of human beings, equity between societies and preservation of the biosphere and the rights of future generations. It is at this level that the different players share responsibility.

Enterprises are major players in the modern socio-economic system. But their role as “pivotal” players (capable of playing a leading role because of their links with political institutions or their ability to impose their own logic) is far from new. The characteristic interconnections

of a system create *de facto* temporary and/or structural relationships of interdependence between the different players, and hence links that necessarily entail responsibility. Given that it is desirable, in a democracy, that responsibilities should be “shared” in order to achieve a desired level of social cohesion, it is important to understand the goals and means of action of the different parties involved, in this case enterprises, which should be included among the stakeholders of society, in the same way as institutions, the different tiers of political authority and the citizens.

These stakeholders of society have been described in different Council of Europe publications (in particular the series Trends in social cohesion). In accordance with the ideas expressed in those texts, and without re-opening the debate on the definition of “shared social responsibility” (which, moreover, has featured prominently in the work of this ad hoc group), we are assuming here that the purpose of shared social responsibility (SSR) is to ensure: (1) respect for human dignity (recognition), (2) the well-being of all, involving, among other things, fair access to a number of common goods of humanity and freedom of choice with regard to commonly used goods and services (principle of autonomy) and (3) responsible use of natural resources respecting the needs of future generations (principle of sustainable development).

We will give a brief description of the SSR of enterprises in the following three sections, focusing in turn on the specific role of enterprises as players sharing social responsibilities, the opportunities available to them and the systemic constraints with which they are faced, and lastly, pointers to possible courses of action.

1. The enterprise, a polysemic concept, an organisation with varied responsibilities

A definition

By way of a first, rough definition we can say that an “enterprise” is a commercially-run organisation for the production and/or distribution of goods or services.

As an organisation, it is composed of men and women forming a human community. As a production unit, the enterprise can be likened to a “black box” for processing natural resources (minerals, biomass, energy), enhancing the value of human labour and imparting information. Owing

to its commercial character, the enterprise establishes relationships of exchange (buying, selling, borrowing, renting, lending, etc.), which are generally negotiated on markets. These three core characteristics are intimately linked and cannot be separated from one another. They constitute an existential constraint.

Enterprises are identified in many different ways:

- according to their size: very large, large, medium-sized, small, very small;
- according to their sector of activity and the type of goods produced;
- according to the range of their operations: global, international, transnational, regional, local;
- according to their legal status: limited-liability company, mutual-benefit society, co-operative, craft enterprise, one-person company;
- according to the distribution of their capital: private, public, negotiated on the stock market, mainly family-owned, closed company,

to mention only the major distinctions.

When talking about the social or societal responsibility of enterprises we should therefore specify the type of enterprise we are referring to. The room for manoeuvre available and the forms of behaviour adopted vary very widely from one case to another.

Different forms of responsibility

Creation of new (material or immaterial) wealth and contributions to the development of knowledge

The primary purpose of an enterprise is to produce goods and/or services, in other words to create new (material or immaterial) wealth. The additional production of real wealth is defined in economic terms as the sum of value added. The performance of an enterprise in producing real value (value that is actually created and available, not virtual, like a mirage, and anticipated on the basis of a mathematical model) depends on its competitiveness (or its ability to stand up to competition).

The competitiveness of an enterprise in turn depends on how innovative it is. Innovation is a multifaceted process because it embraces internal organisational innovation, product or process research and development (R&D), expansion into new markets and partnership

innovation (joint ventures). To produce results, innovation requires investment, but above all an entrepreneurial spirit and acceptance of the risk involved in all innovation. The risk is usually borne by a team, but it is ultimately borne by only one person, a leader at the head of the organisation (Urban and Zucchella 2011). The responsibility related to the risk involved is no less “real” because the market response may be such that the very existence of the enterprise is jeopardised or, on the contrary, that its growth is guaranteed. Innovation decisions, which are essential in a rapidly changing world, are prompted either by the need to adapt the enterprise to change or by speculation based on a proactive view of the future. Such speculation presupposes on the part of the decision maker a sound ability to gauge technological, socio-economic, cultural and political changes, but the key to the approach is the will to dare.

Innovation is a key vehicle for knowledge creation. It can be of a fundamental or radical nature, with the ability to create a decisive competitive advantage or it can also be more discreet, of an incremental nature, but no less useful for enriching the chain of value creation. In both cases, exchange of ideas and dialogue between “doers” and “thinkers” is a virtually indispensable condition of occurrence. “Building the co-creative enterprise” (*Harvard Business Review*, Oct. 2010, pp. 100-109) has become a fashionable slogan.

Allocation of resources

The wealth created is reflected in the distribution of resources throughout society. An 18th-century French economist, François Quesnay, who in 1759 made the first analysis of the economic “system” which subsequently inspired Marx and Keynes, compared this distribution process to the flow of blood in the human body. A society without (sufficient) wealth creation is anaemic.

Enterprises participate intensively in the distribution of resources, either directly or indirectly:

- directly, through job creation and the subsequent payment of salaries, through the distribution of dividends (return on the equity of the enterprise) or, to a lesser extent, through sponsorship activities or other forms of funding for cultural or charitable activities;
- indirectly, via corporate income tax or, where appropriate, corporate transfer tax; local and national taxes; and through social charges (France coming top in all three categories according to

OECD figures and the calculations of the Ministry of Economy and Finance). The social charges applied to enterprises in Europe (with the exception of the special case of Ireland until 2008) are the highest in the world, far exceeding those of the United States and, *a fortiori*, Asian or African countries. In most European countries, the welfare state is heavily dependent on corporate contributions, but that is not a comfortable situation. Relocation of enterprises therefore increases the deficit of the “social security” (in France, or the equivalent social protection systems in other countries). A country’s trade deficit (where imports are greater than exports) also reduces the resources available to the national social protection system because enterprises pay social contributions in the places where they have concentrated jobs. The decision by a French user to buy a foreign car (not made in France) reduces the resources of the French social security, while the export of a car made in France will contribute to them. The balance of social security accounts is therefore linked directly to a country’s entrepreneurial dynamics and the performance of its enterprises, but also to national and foreign buyer/consumer behaviour.

This arithmetical reality (which is no doubt poorly understood by some people) highlights the difficulty of combining free movement of people, capital, goods and ideas in a globalised world and (essentially national) social protection systems which are not in control of their input (monetary) and output (services provided) flows. The resulting financial imbalances are unmanageable in the short term, i.e. under the system’s current operating conditions, and endanger the entire social protection system, which was designed in a past age of political, economic and social compartmentalisation.

Respect for the enterprise’s human community

In the absence of any European social (and fiscal) “harmonisation” worthy of the name (because of a still faltering political will in this area and opting-out agreements secured on an exceptional basis), European enterprises mainly follow the national rules specific to each country. These rules are binding insofar as they are laid down by laws, regulations or agreements. But measures can also be taken on an optional basis by each enterprise or by a group with subsidiaries in different countries (such as Puma, Siemens, Sodexo and many others). There is growing enthusiasm over this approach. Compared with other systems or practices adopted in the great majority of countries outside Europe, the

value of the European systems should not be underestimated, whatever shortcomings or dysfunctions may be identified in them.

As well as complying (under judicial supervision) with labour law, the enterprise contributes to the achievement of social cohesion. The enterprise is a place of encounter, shared working life, training, apprenticeship, human solidarity, of identity even (membership of a team, a reputable group, etc.), health assistance (occupational health, health and safety committees, etc.). The human resource is in the process of becoming the fundamental resource, or rather that around which all others are organised; the enterprise must be ready to listen to it (Crozier 1989).

Contribution to rational relations with the biosphere

Since the beginning of the industrial age, the enterprise (all enterprises) has contributed, along with all other socio-economic players, to upsetting the balance of the global ecosystem. It now plays an active part in securing "sustainable development" as defined by the United Nations (Brundtland Report, *Our common future*, 1987), namely: "a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development; and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations".

In the field of sustainable development, it may be regarded as beyond doubt that enterprises have a shared social responsibility, possibly for moral reasons, but more certainly for reasons of self-interest. Respect for sustainable development represents a vast field of activity and a source of considerable profit for enterprises and for industrial research centres. Enterprises have tackled the problem in virtually all sectors (construction, transport, ordinary or durable consumer goods, services), seeking to produce lighter composite materials (to reduce the energy needs of cars and planes), design innovative fluid-control systems, develop insulating materials, limit the amount of water used in industrial processes, increase freshwater resources (by desalinating seawater), recycle wastewater, metals, textiles, rubber, cardboard and rare earths (to reduce wastage of natural resources), treat and reduce gaseous effluents or toxic waste, and so forth.

The opportunities in this field may be tapped both by large transnational enterprises capable of designing complex processes and by small and medium-sized enterprises (SMEs), which are traditionally inventive and

alive to new needs, and well placed to operate in specific segments of the value-creation chain. Minor elements of the production process, such as an electronic control device, a filter or a valve, can have significant beneficial effects.

Research related to sustainable development (SD) is also creating a great mass of new knowledge, which may be explicit and patented or tacit (stored in the brains of individuals or in the memory of an organisation). Canadian research has shown that tacit knowledge based on personal experience is particularly valuable for managing industrial pollution problems. Pollution is usually a reality within a factory before manifesting itself on the outside. Process operators are therefore often the first to be exposed to contaminants released into the environment. Their physical proximity to the processes makes it possible to trace certain dysfunctions responsible for toxic spills. In the event of a malfunction or unforeseen incident or in the absence of sufficiently effective detection and early warning systems, the workers are often the first or the only people to spot a leak, an unusual concentration of contaminants or a defective piece of equipment. Their experience passed on to (hopefully responsive) managers is a source of improvement for production processes geared to sustainable development. It is also useful for learning to manage incidents and emergency situations and, subsequently, for helping to devise preventive solutions. Here, tacit knowledge triggers a collective learning process that is capable of being put to use elsewhere. More generally, it may be observed that the attention given to sustainable development in an enterprise helps to foster a participatory approach to management, which is conducive to greater organisational efficiency and vitality. Thanks to sustainable development, technology is changing course and "green" issues have moved to the forefront (Boiral 2007).

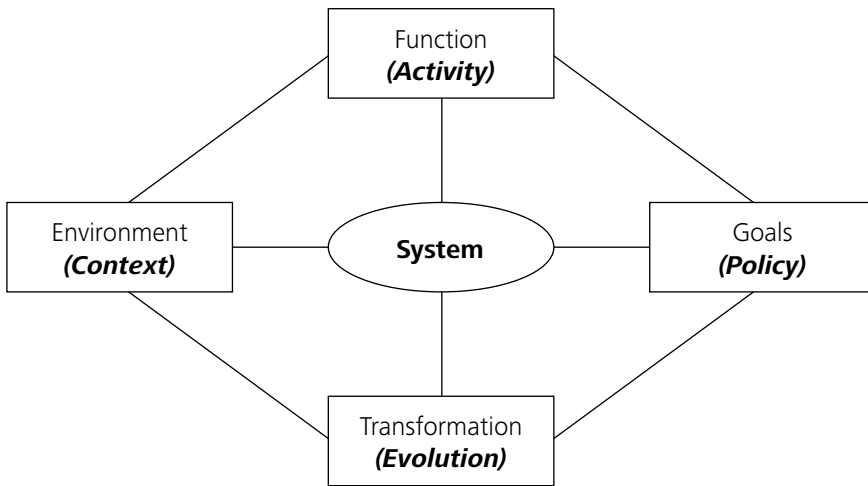
Ultimately, it is widely accepted that enterprises, as autonomous and influential players (having a power of negotiation and coercion), have an inherent social, societal and environmental responsibility. Some enterprises shoulder that responsibility with conviction and very honest commitment, while others adopt dubious and even utterly reprehensible practices (as evidenced by the numerous scandals reported in the media or exposed by NGOs such as Greenpeace). It would be wrong to generalise one way or the other. The reality is usually less clear-cut; it currently reflects a conflict between market values (having a price) and societal values (having no price). However powerful some enterprises may be, they are not independent of the system in which they operate.

2. The enterprise as a major player, but subject to constraints, in a now global socio-economic system

The principle of system constraint

A system may be presented schematically as in Figure 1, below.

Figure 1 – Interrelations of a system



Taking the enterprise as a system in itself (sub-system of the overall socio-economic system), we can see that the enterprise (presented in the oval in the centre: system) is an organisation with functions (production of goods and services), which determine its activity; and that it operates in a context (which dictates its opportunities and constraints). The enterprise will take opportunities and manage constraints and will evolve accordingly while seeking to transform its competitive advantages in order to obtain the expected results corresponding to the policy adopted in accordance with economic (productivity) and financial (profitability) objectives and other goals (such as respect for human dignity or sustainable development).

The four cardinal points in the diagram (north, south, east, west) are interdependent and interconnected by multiple relationships (represented by lines) and have an impact on the player at the centre: the enterprise. But there are no fixed positions (or links) because everything is in a constant state of flux.

Specifying strategic choices within interdependencies of the system

The characteristics of an enterprise determine its freedom of choice. At first sight it might be thought that large multinational enterprises have more substantial freedom of choice than others. It is a probability but not a general rule because size is not the only consideration; other factors include the type of activity and the mode of governance, with the public authorities or the financial markets having a dominant influence, for example.

These variables are reflected in the concept developed by François Perroux of “motive enterprises”, whose power gives them a “propulsive” effect. The influence of motor enterprises is exerted as a result of three factors: their relative size (i.e. their contribution to overall supply and demand); their contractual strength (i.e. the power they have to set the rules of exchange and negotiate the price of transactions); and thirdly their place within a whole system, or the nature of their operations (varying in terms of their implications). It is obvious that these motor enterprises have the power and the means to make defining choices that will influence the future of societies.

Let us take the example of energy supply problems. Developed societies are typified by insatiable energy needs. These needs are expressed by individuals (domestic electricity use, heating, car journeys), by enterprises (power for machinery, services, logistics), by public services (public transport, needs of schools and hospitals, office comfort), and more generally by all organisations, for nearly all public and private aspects of modern life. All it takes is a power cut on a certain geographical scale or of a certain duration to bring out the scope for disaster and show how essential the availability of electricity is. Any questioning of this fact is inconceivable unless we are able to achieve energy savings, and the potential for that exists. But, on top of that, the rise of the less developed and emerging economies is creating enormous new needs, given the size of the population concerned. We are therefore seeing a fierce global struggle for control of known energy resources, of whatever kind (oil, gas, uranium, to name but a few).

The responsibility for supplying consumers with the necessary resources at the appropriate time (including the future) is borne by enterprises, often in association with the national or regional authorities, but not necessarily. In France, groups such as Total, GDF Suez, EDF and Areva are instrumental in meeting these vital needs. The pursuit of their objectives, serving both public and private interests, involves complex negotiations and foreign investment. For example, EDF is participating, along with the Italian group ENEL, in the South Stream gas pipeline project run by the Russian group

Gazprom, while GDF Suez will be joining the Nord Stream consortium, also run by Gazprom, in which the German groups E.ON Ruhrgas and BASF are involved. Agreements were signed in Kazakhstan in October 2009 giving Total a stake in the operation of the Khvalynskoye gas field in the Caspian Sea. A consortium of French companies headed by Spie Capag (Vinci Group) has signed an agreement for the construction of an oil pipeline between the Kashagan oilfield (Caspian Sea) and Baku (Azerbaijan) to carry oil to Europe without going through the Russian Federation. These are just a few evocative examples, among many others, centred on the securing of energy supplies. Competition is fierce, not to say ferocious, on a global level. To win contracts, enterprises must have major technical, organisational, legal and financial capabilities. They must also be capable of bearing not only technical but also relational, human and security risks. Violence is becoming commonplace in this field.

Another area of work for enterprises focused on meeting energy needs is the development of alternatives to fossil fuels. The involvement of the French company Total (the 5th largest oil and gas group in the world) provides an illustration of this. In June 2010, Total signed an agreement with the emirate of Abu Dhabi on the launch of the Shams project (*shams* means “sun” in Arabic) to build the largest concentrated solar power plant in the world, in Abu Dhabi. The aim is to supply over 30 000 people with electricity by 2012. This plant will use concentrated solar power, a promising technology which is still in its infancy. In practice this involves a field of parabolic mirrors covering dozens of hectares on which sunlight is concentrated, heating a fluid used to produce vapour which drives the turbine and produces electricity. To meet the demand for electricity even in the temporary absence of sunlight, the plant has been designed to run on gas too. The plant will be built in an area of desert. It is a gigantic project which will be run in association with a leader in this field, Abengoa Solar. Total and Abengoa will each hold 20% of Shams. This first large-scale experiment will help to strengthen the group’s expertise in new renewable energies. Shams is also part of Total’s long-term partnership strategy with host countries. Total has been working with Abu Dhabi, which holds 5% of global oil reserves, for over 70 years. The emirate’s goal is to produce 7% of its electricity from solar power by 2020 (Source: A. Chaperon, Electricity and New Energies Director, Total, *Energies* magazine No. 18, 2010).

For this forward-looking project, as for others, Total relied on the group’s very large R&D component and on partnerships with European and American universities (specifically the Massachusetts Institute of Technology (MIT) in Boston). This serves to underline the point that

enterprises are participating in the creation and spread of new knowledge, which, in the current “knowledge society” context, is by no means a negligible social responsibility.

These examples show that the enterprise (as a sub-system) is at the heart of an open globalised system that, at one and the same time, assigns new goals, in an evolving context, to new activities which, however, require a relatively long period of transformation or transition. But we must mention another facet of the situation.

The global system places severe constraints on enterprises’ strategic choices

Whereas an industrial strategy for change must be implemented in the long term, one part of the context, namely the financial markets, demands high short-term performances and low risk-taking (to reassure investors), and this is not confined to the energy supply field. The “financialisation” of the economy (Aristotle’s chrematistic economy) has taken over from the “oecconomy”. The primacy accorded to speculative gain without reference to the productivity of the real economy has led to the acceptance of an abstract rule stipulating a 15% return on equity (ROE), which has become the golden rule for the salaried executive of an enterprise (listed on the stock exchange) who wants to keep his or her job (Calame 2009: 473-9). Under pressure from hedge funds, equity funds and other raiders, the world’s 1 000 largest enterprises, which by themselves define more than half of world trade, have had an economic model imposed on them which is based on a purely abstract idea and which makes it impossible for them to increase salaries, invest and develop R&D under healthy conditions. What marked the start of financialisation was the delinking of the US dollar from gold (or other reserve assets) in 1971. It led to very rapid growth in the US debt. The successive oil shocks and deregulation of the monetary and financial systems spread to the world a situation that had become aberrant in terms of sovereign debt and liquidity management. The international context of financial markets freely and instantaneously interconnected across the globe has imposed its own vision of global socio-economic development. Hybrid countries like China combining authoritarian state governance and capitalistic exploitation of global market opportunities have learnt to take advantage of this and to shape their strategic industrial interests at the expense of those countries which have stuck to a policy choice of market-driven competition serving as a development policy. Competition is an expression of rivalry, an inescapable battle. Left to its own devices it can lead to economic war.

It will be recalled that the current free-trade movement was launched after the Second World War from a peace-building perspective. The world had gone through a suicidal period in which it had experienced what can happen when nations retreat behind their frontiers. The building of Europe was the response to that retreat. Its primary goal was, and still is, to build peace. Market unification within the European Union has never been an end in itself, but a response to the failure of the political construction of Europe in 1953. For the same reasons, at global level, we have only one solution for building peace: a forward march towards responsible, pluralistic, cohesive and controlled globalisation. (Calame 2009: 339)

The financial markets are not alone in imposing their diktat on (especially European) enterprises creating real wealth in Europe. Mention should be made, for example, of political decisions such as the creation of customs barriers. This is how China protects its nascent but already powerful and high-performance industry in many sectors, with customs tariffs which, in the case of some products, are an impressive multiple of the European customs tariffs. In other words, Europe is not only hit by imports of goods produced in China under sometimes disgraceful conditions of labour exploitation in relation to European social standards, but also by the fact of having to transfer production segments or entire production chains to China, supported by direct investments (which will accordingly be lacking in Europe), in order to sell “European” products. With the earnings made on foreign trade operations (supported by a national currency considered to be undervalued), the Middle Kingdom has built up powerful sovereign funds enabling it to buy up a significant proportion of the capital of many “strategic” enterprises, that is, motor enterprises whose propulsive power exerted on other enterprises (or research centres and consultancy organisations) through orders or learning effects is very likely to exert an influence in countries other than the country of origin of the enterprises purchased or taken over.

Internal national political decisions can also influence the development of European enterprises in their own countries. We should consider in particular the forms of taxation of productive capital (taxation of enterprises themselves, wealth tax on the holders of capital and inheritance tax) which can curb the growth of medium-sized enterprises or push these specialised enterprises, holding what are often valuable industrial assets (expertise, know-how, knowledge uncodified by industrial property law, relational assets), into the arms of foreign buyers. Situations vary widely from one European Union country to another. It is actually the

development of “family” enterprises that is hit by these tax measures, which are more ideological than rational, given that this type of enterprise is a source of industrial stability and efficiency (Miller and Le Breton-Miller 2005, Pearce 2001, Simon 1996 and 2007, Simon and Zatta 2007). Medium-sized family enterprises are specialists, and often world leaders, in their segment of activity and capable of shouldering their present and future social responsibility owing to their innovative vitality and investment capacity. Danny Miller’s work on large family enterprises in the developed countries shows that they, too, tend to perform better than most other enterprises according to a range of economic and social indicators. In emerging countries such as India and South Korea, family capitalism also plays a major role, even in very large groups.

This serves to highlight the difference between capitalism based on industrial entrepreneurs (with long-term vision) and capitalism based on market speculators with selfish short-term goals. The financial analysts and ratings agencies, who tend to dictate strategy to large listed enterprises (a return to core activities, for example) are not known for their sense of social or societal responsibility; on the contrary, they see the preservation of jobs (a source of fixed costs) as a defect and the announcement of redundancies leads to an increase in securities dealt in on the stock exchange. This is a trend in capitalism that is out of touch with human aspirations and one that raises serious issues. Furthermore, these same analysts and agencies showed, when the recession kicked in 2008, that they, too, could make mistakes and go astray. On a more fundamental level, it is difficult to make a proper assessment based on accounting standards rendered obsolete by all manner of dubious practices and when more and more decisive components of development are “off-balance-sheet” or are not measurable (the quality of individuals, their inventive potential, the value of an unorthodox idea, entrepreneurial risk-taking, good interpersonal relations and so forth).

A short-term view is not specific to the financial markets; the syndrome also affects political decision making, which, in a democracy, is governed by the rhythm of upcoming elections, the opinion poll results issued virtually every week and regularly published popularity ratings. The regulatory and fiscal “context” therefore changes regularly in line with electoral promises.

The volatility of opinion depending on the medium is matched by the volatility of monetary assets due to fluctuating exchange rates. Corporate managers expend much energy on their management. One way of limiting exchange risk is to locate supplies and sales in the same currency zone, but such decisions increase the instability of the original industrial fabric.

Lastly it should be noted that the organisation of industrial production on a just-in-time basis also presupposes direct investment in the country of assembly, because the production method employed (for mass series) is designed to limit stocks (with a high cost price) to the bare minimum. The suppliers therefore have only a few hours in which to deliver their goods to the final site. It is inconceivable, for example, to deliver car seats or tyres to an assembly plant a few hundred or a few thousand kilometres away. Distance here is a source of technical and commercial exclusion.

The discussion of these facts and trends leads us to conclude that the systemic “context” is becoming rather chaotic and that the long-term policy goals (both of enterprises and of national or international public institutions) are lacking in clarity. This is regrettable given that markets like to operate in an environment offering no resistance, with their own ruthless logic. A healthy reaction is also to be hoped for on the part of individuals and organisations willing to work as responsible builders of a world acceptable to all.

3. Pointers and prospects

In a complex, interdependent world it is of paramount importance that the different players should agree to respect otherness and possible non-conformity with the prevailing ideas when they are seen to be outdated. Social dialogue is impracticable unless this good-sense principle is accepted. The pseudo-scientific “all other things being equal” approach is no longer suitable for building a model of the future. But good sense needs to be cultivated. The role of education at all levels therefore appears essential. But however essential it may appear to be, it is not sufficient. All players should contribute to the effort to secure acceptance of the idea of necessary change for institutions and organisations and their mode of governance, and the behaviour of citizens. It is also important to show that this change is possible in practice. Where enterprises are concerned, some progress has already been made towards change, but much remains to be done. It is an ongoing project.

Developing ethical commitments

What does this mean? Ethics and morality are not the same thing. According to Michel Serres, morality is rational and universal, while ethics depends on the culture and the place – it is relative. The distinction between ethics and morals lies in this aspect of relativity (and hence adaptability to all cases). We will therefore understand ethics as a framework for reflection that can

be used to define rules and attitudes that an individual or group recognises as being consistent with their values, and which they endeavour to observe. Principles upheld and commitments accepted may derive from morality, but also from reason, dialogue or various incentives, as in the case of the United Nations Global Compact. In the management field, ethics as a relative concept built in accordance with managerial practice, and hence the values and attitudes specific to an enterprise and its operational environment, is starting to attract significant interest. Many enterprises sign ethical charters and actually make a commitment in that direction. But many enterprises have still to be convinced. Furthermore, codes of conduct should be more than just virtuous declarations, half-way between advertising claims and true conviction. Confidence is built durably on the basis of facts.

Contributing to the management of technological and social transitions

The upheavals currently affecting society, including individuals and enterprises, are not intrinsically new historical phenomena. Since the beginning of the industrial age, there have been long cycles of major change which have sparked successive social revolutions:

- the age of coal and the steam engine, which resulted in mass production and long-distance transport and reduced the role of human beings as a source of power;
- the age of electrical energy and chemistry, which created a society of material comfort for a larger number of people and alleviated hunger in the world through the use of chemical fertilisers;
- the age of electronics and information and communication technologies (ICT), which interconnected and opened up the world, gave easy access to information and ideas and created networks of all kinds;
- the age of biotechnology and nanotechnology, currently in progress, which is revolutionising our perception of natural, biological and social structures in an as yet unforeseeable but certainly profound way.

Each stage has engendered a significant need for adaptation, with winners and losers. Along the way, the technological advances corresponding to these cyclical revolutions have been distributed or redistributed to more “winners” under the predominant influence of political institutions and proactive legislation. However, this does not mean that there are not painful transition periods which call for solidarity between individuals and organisations. A profound need is felt for new regulation, which could take the form of multi-stakeholder governance.

The process of putting in place a society based on a new sharing of responsibilities requires a great deal of consultation and dialogue; it could be set in motion along two routes: proposals made through hierarchical channels and by institutions (top down), on the one hand, and initiatives from the grassroots (bottom up), on the other. The will for change would need to be strong on both sides because the challenges are substantial, as is the resistance to change. It should come from all sections of society, meaning that a huge effort will subsequently be needed to bring about a convergence of viewpoints towards a reasonable, workable solution. Given the vastness and necessarily time-consuming nature of the task, it would no doubt be preferable to proceed by means of small-scale experiments, moving forward step by step. Local territories could be a good testing ground.

Forging close links between enterprises and territories

Like people, enterprises are rooted, with varying degrees of stability, in geographical and cultural territories. What does a territory represent and how do enterprises contribute to shared social responsibility in territories?

A territory is, first, a defined area, large or small, in which socio-economic life is organised and solidarity is expressed. However, these defined areas do not stand in isolation: they are, secondly, interlinked according to different levels of engagement, also connected by bonds of solidarity, according to a mode of governance and principle of subsidiarity specific to each country, strong, as in Germany, or weak, as in France.

Third, the territory can be a place of recognition. It may be observed that the wider the surrounding area, and the more indeterminate it is and uncertain as to its development, the more people tend to look for an area where they have roots, where they feel recognised, accepted and protected from the trials of global nomadism. Recognition is not only a need in times of difficulty; it can also be a source of pleasure. In 2007, when Leoh Ming Pei, the famous American architect of Chinese origin, attended the inauguration of a museum he had built in his city of birth in China, he looked happy and deeply moved. For him, according to his comments reported on the TV channel Arte, it was an important event because this place, this "territory", had had a formative influence on his personality and his work even though he had spent most of his adult life, and hence most of his career as a creative artist, in the United States. This kind of pleasure can be felt not only by individuals as citizens, but also by entrepreneurs (see below "Contribution of enterprises to the development of territories").

Fourth, the territory can be fertile ground for collective activity. The territory is becoming once again an increasingly active collective player. At

a clearly defined level, such as the local area or region, individuals and organisations seem able to position themselves fairly easily and to implement, with a degree of realism, consultation processes that can guide their work towards greater synergy. Collective activity stimulates knowledge which is useful for problem-solving provided it is set in the context of an efficient organisation. It may be assumed that consultation between players is relatively easier at a local level than at an overall level, that the feedback from experience at this local level can produce a “mirror effect” benefiting other initiatives and that, in the process, a body of collective knowledge is developed with which many players identify, so that they can then be “mobilised” to develop new forms of solidarity (expressed at one and the same time by citizens, institutions, market players and the victims of poverty and exclusion themselves). This finding emerges, for example, from a pilot experiment conducted in Alsace. A “multipartite social contract” to curb excessive household debt (through the provision of advice and support to the victims of debt, monitoring of judicial and administrative procedures, personal micro-loans, help in learning to be “responsible” consumers again and to manage a budget, etc.) and to identify together with the various stakeholders (public authorities, banks, etc.) recommendations for preventing excessive debt or helping to find solutions to personal situations that often take on dramatic proportions. Public-private partnership is not a panacea, but it brings the idea of shared responsibility, or co-responsibility, into sharper focus.

Fifth, the territory is potentially fertile ground for innovation. The history of Europe testifies to the importance of certain key places which, at given periods, spread their influence beyond the local territory and decisively stimulated the economic and cultural development of vast areas: Bruges in the 13th and 14th centuries, Venice in the 14th and 15th centuries, then Antwerp in the 16th century, Genoa in the 16th and 17th centuries, Amsterdam in the 17th and 18th centuries, London a little later on, and so forth. Needless to say, these developments led to a reduction in poverty, although exclusion phenomena were never really eradicated.

It is interesting to note that these periods of intense development were initially very localised within clearly defined areas, but these became areas of “propulsion” (François Perroux) and progress because they represented points of “intersection”. The term is taken from Frans Johansson (2004), whose analysis of the emergence of the Renaissance in Florence in the 14th and 15th centuries was based on the idea of the intersection in a given place of commercial, financial, political and cultural currents, giving rise to new ideas and their application in the form of technological, social

and organisational innovations. Encounters and exchanges are soil from which innovation, evolution and change grow. The “territory” is unquestionably one place (among others) where encounters can take place on a human (and not anonymous) level and be pursued through social initiatives. It is therefore legitimate, from the Council of Europe’s perspective, to recognise its major role.

Contribution of enterprises to the development of territories

Enterprises are sometimes described as “civic” organisations in the sense that they are stakeholders in the *respublica*. They are indeed important stakeholders in it, for various reasons.

As was emphasised in the first section, the shared social responsibilities of enterprises are reflected first of all in the jobs they provide for the population living in the local (or “catchment”) area, the income they distribute to their employees and the taxes they pay in that area, which fuel the budget of local authorities, in turn required to ensure the solidarity and independence of that population. Referring to Figure 1, we may see that the “enterprise as system” supplies resources to the “surrounding context”, and that will be reflected in results, leading to useful “evolution and transformation” of that context. But it is not only by providing financial flows that the enterprise contributes to the vitality of the territory. This can be illustrated by two examples.

Germany is known to have a large number of high-performance medium-sized enterprises. In the Rhine valley, 80 km apart from one another, the heads of two enterprises in this category (Burda and Würth) developed a passion for modern art and built up impressive collections of first-rate works. They both built museums; the former in Baden-Baden, in Germany, the building having been commissioned from an architect of international repute (Richard Meyer), the latter in Erstein, in France, also in a very attractive and aesthetically outstanding setting. These museums are partly dedicated to rotating exhibitions of works belonging to the owners and partly to very high-quality international exhibitions. Via these initiatives, the owners’ hobby fuels a whole series of indirect effects: attracting tourists, increasing the turnover of hotels and restaurants, cultural marketing, staff pride at belonging to “cultivated” enterprises, making the area better known, enlivening it and giving it a greater sense of identity.

The second example is of a different kind and illustrates the respect shown by the CEO of the Siemens group for local areas and for the group’s industrial facilities. The Siemens CEO visited two major production sites in Alsace in summer 2010 to meet local leaders and people working in the

field, explain the group's industrial goals to them, emphasise its firm rootedness in the local area and describe the investment programme for the sites in question and related future projects. Dialogue, a readiness to listen and expressions of trust are not the sole preserve of SMEs; they may also be seen in "responsible" multinational corporations (the German culture of the "social" market economy no doubt being more conducive to this than the "financial" culture of the English-speaking world).

Shared social responsibility requires in return that public institutions should offer enterprises attractive conditions for siting and operating their facilities on their territory: convenient transport links, quality of the workforce (through education and training), high-quality cultural and sports provision, and so forth. Enterprises are attached to areas with a high quality of life, where relations with the local community are stimulating.

Conclusion

This document is merely a working paper and a stage on the way towards practicable shared social responsibility involving all stakeholders. It aims to stimulate debate and proposals for commitment to a more human society and an "oeconomy" that is truly useful to all human beings.

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A voice to be heard – Citizenship rights and political participation of the “new” poor in contemporary European democracies

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Introduction

Although little has been achieved so far in implanting the idea into practical realisation, calls for a new distribution of social responsibilities in reconsidering the core issues of policy making and in making political decisions that reflect a new balance of freedoms and duties have been taking a greater place in recent European public and political discourse. The Council of Europe’s draft European charter of shared social responsibilities, as discussed at a jointly organised conference of the Council of Europe and the European Commission in Brussels early in 2011, can be seen as a milestone in the ongoing debates. In its introductory pages, the draft charter summarises the reasons for invoking a profound change in the participation in and the redistribution of influence and power. It goes on to call for the involvement of actors who have become marginalised or even excluded by developments of the past decades and who thus suffer serious deprivations in financial, business, social and political terms.

In the context of both causes and solutions, poverty and the detrimental consequences of recent economic and political trends on the opportunities for decent economic, political, social and cultural participation of various groups of the poor have come to the fore. “Old” and “new” forms of poverty are portrayed by pointing out how the increase in inequalities leads to deprivation: while the poor bear the brunt of the devastating consequences of economic and environmental changes, the traditional arrangements of the welfare state protect them less and less and, partly for this reason, their voice is heard less and less in major societal decisions. By recognising these deep controversies, it is argued that the marginalised and excluded groups in question must be reintegrated for reasons of justice as much as for re-strengthening the weakened structures of democratic decision making. In this sense, the case of the poor is a particularly sensitive indicator: the elimination of the causes behind marginalisation and exclusion would indicate the potency of the welfare state as a typical European construct and demonstrate society’s readiness and capacity to reconcile the universal concept of citizenship with structural and societal

changes. By bringing the extent and content of citizenship into accordance with the structural changes that have progressively led to the cutting-off of the poor from important areas of participation, we can hope to develop new forms of societal dialogue and agreement representing true social compromises – and this is exactly the goal to be attained by calling for a new and more equitable distribution of social responsibilities.

However, the strong links between changes in the profile, composition and manifestation of poverty and the calls for a new distribution of social responsibilities are not self-evident. Poverty has of course always been a focal issue of public and political discourse in the European welfare states. Furthermore, through ongoing experimentation and fine tuning, a wide range of institutions and measures have been established to tackle the phenomenon and to respond adequately to new challenges when they emerged. One has to ask then: has the character of poverty changed in recent times so that it is no longer addressed by the established frameworks and is beyond the reach of existing measures? Or has the change affected the other constituent of the equation by turning away the functioning of the state from its duties toward the poor? And if either of these developments has taken place, why and how has poverty become a new political problem that gravely affects the functioning of existing democracies?

In the first part of this paper, I will attempt to show that recent changes in the degree and nature of poverty have induced deep structural alterations in European societies. By focusing on the new generational and ethnic divides that follow from them, I will try to demonstrate how these changes have led to a substantial increase of the groups that are no longer part of the old consensus and for whom the given frameworks of citizenship and a set of rights initially meant as universal do not provide the grounds for social membership and democratic participation. Then the discussion will go on to show some of the consequences of these changes for the preconditions of meaningful participation: it will provide an overview of the limitations on those capabilities and freedoms (Sen 1992) that result in a pronounced under-representation (sometimes even negation) of the interests of the poor and that have resulted in the decline of trust in the welfare state and its institutions (Alesina 2006, Jowell 2007). By focusing on the harm that changes in state responsibilities in welfare have caused by reducing the participatory capabilities and freedoms of certain groups, the next part of the discussion will examine the political implications of new poverty by looking at ruptures in the universal notions and functions of citizenship. I aim to show how two key areas of the welfare state – education and the world of organised labour – suffer the consequences of

these ruptures and, concurrently, how the dominant patterns of redistribution in these domains become the sources of increasing inequalities that are working, in turn, toward turning marginalisation and exclusion into fixed features of second-class citizenship. The final section of the paper attempts to draw some conclusions by seeking a way out: it will argue for putting (new) poverty and the excluded groups of the poor into the focus of institutional reforms that should aim at restoring the universal traits of citizenship and that thereby should enhance poor people's social inclusion as a way toward meaningful participation in the democratic polity.

1. Changes in the degree and nature of poverty

In accordance with their initial commitment to protect the population against impoverishment caused by the five "Giant Evils" of disease, want, ignorance, squalor and idleness – as the Beveridge Plan once put it – one of the great achievements of the large-scale comprehensive programmes of the postwar welfare states in Europe has been to substantially reduce and then stabilise the extent of poverty. These achievements seem to be lasting. By looking at the yearly statistics produced by the OECD, ILO, Unicef or Eurostat, one can observe a fairly stable standard of poverty, country by country – though the indices vary across the borders of the nation-states. Beyond the sheer numbers, these statistics signal some convergence: regardless of the type of the given welfare state, societies are keen to keep poverty within limits and make strong efforts to prevent any increase in the population whose living standards fall below an agreed – customary – level called "the poverty line" that works as an invisible social and political norm (Atkinson 1998). In order to maintain this norm, a varied set of measures and services is provided: in some countries, they aim to protect only against income poverty; in others, it is a conglomerate of sophisticated programmes of inclusion that informs and guides the provisions. Of course, variations in the arrangements induce important differences in the degree of poverty, and especially in the risks of exclusion. Nevertheless, up until recently, the ultimate foundation has been uniform: as to the source of entitlements, the poor were considered fully-fledged citizens of society who, despite suffering shortages in material well-being, principally enjoyed citizenship rights equal to those of the more fortunate members of society.

However, this unconditional equality of citizenship rights has been severely eroded during the past two or three decades and the fragmentation of the concept has directly affected the state of the poor while it has induced instabilities and insecurities also in the general working of

the welfare states. A gradual devolution of the overarching commonality of universal citizenship has been the outcome of complex processes in economy and society. Most importantly, the changing relationship between employment and citizenship has to be considered. While the postwar concept of citizenship was closely tied to everybody's right and principal freedom to participate in organised employment, the substantial shrinking of job opportunities that turned out to be an irreversible long-term process of post-industrial development has challenged the notion of unconditional access to work with an accompanying change also in people's attitudes toward employment (Wallerstein 1983, Galenson 1991, Davis, Haltiwanger and Schuh 1996). Having a regularly paid job and enjoying all the related rewards has gradually become an indication of personal success and achievement. In the ever more heated competition for such highly prized forms of employment, attaining a decently paid and enduring work contract has become imbued by a hierarchy of values. In this new hierarchy, scarce knowledge, usefulness and indispensable personal importance have become the components of a social status which is increasingly derived from one's position on the labour market (Esping-Andersen 1993, Podolny 2005, Shapiro and Swen 2008). The ongoing reinterpretation of the content of employment, its personalisation and the related deep hierarchisation of acknowledged values and attributes have all worked toward weakening the universal foundations of citizenship by generating restrictions in its content for those who do not have access to stable employment.

These changes have had multiple consequences for the poor. Given that unemployment, whether because of loss of employment, non-access to organised work or because of an (often enforced) withdrawal to the household, is one of the most important risk factors for poverty, it is above all the poor who are deprived of even the hypothetical opportunity to enter into the competition for decent employment. They thereby suffer significant restrictions on their citizenship rights with marked limitations on entitlements that are bound to expected levels and forms of economic and social participation (Inoguchi and Keane 2008). Besides being forced to the bottom rung of the status hierarchy that has evolved around employment, poor people enter a different segment of the social world around them: their impoverished, reduced citizenship confines them to low-standard services, poor education and sub-standard housing, and often excludes them from the domains inhabited by successful people. This exclusion gives rise in turn to geographic and institutional segregation. All these developments are accentuated by the growth of atypical forms of work and employment – a trend that seems to offer temporary

relief, but that actually widens the rift between the “respected” members of society and those deprived of any opportunity to acquire reputation and esteem (Beck 1992, Sarfati and Bonoli 2002).

Coupled with the well-known important changes in the demographic composition of European societies, induced by an increase in life expectancy and the concurrent lengthening of the active period of people’s lives, competition on the shrinking market for regular employment has gained strong generational momentum. In line with the processes of ageing and the improving standards of health and well-being for the middle-aged and elderly strata of societies, the elderly understandably claim an extension on involvement in employment. Such demands are strongly supported by the new values associated with work that favour their irrefutable experience and their almost irreplaceable position in the division of production tasks, as well as by changing lifestyles that are increasingly built on an amalgamation of work and non-work by opening new and quickly expanding employment opportunities in areas where socialising is part of the job and where strong social contacts and ties become the source of capital gain (as illustrated by the booming markets of consultancy, communication, mediation, etc.).

However, the justifiable claim of elderly generations sharply contrasts with the similarly justifiable claim of the young: the traditional exchange of positions, once regulated by retirement on the one hand and immediate entrance to the labour market upon finishing one’s studies, seems to be over. The elderly and the young come into direct conflict with each other – and the young seem to come out as losers. The disadvantageous or non-existent trade-off follows from the above indicated reinterpretation of employment that puts a premium on experience, related knowledge and all personal attainments. Due to the unequal distribution of such attainments and constituents across generations, large groups of young people – especially the less qualified and those coming from poor backgrounds – do not have the necessary skills and tools at hand, and are thus excluded from the labour market from the very outset. At the same time, non-existent or severely reduced access to employment easily becomes a risk factor for enduring poverty, for a number of reasons (Corak 2004, Iacovou and Aassve 2007).

First, the prevailing (traditional) arrangements of the welfare state still take for granted a smooth transition from studying to employment and thus provide very little in income and services for those whose entry onto the labour market is blocked or suspended. Second, attempts at gaining employment represent important steps toward a gradual distancing from the parental home. However, failing to actually find work while leaving behind

the protective care of the old home gives rise to dangerous in-between situations that easily lead to severe indebtedness and social marginalisation. These risks are sharpened in the case of those having a poor-quality education, or starting their adult life as school drop-outs. They are twice-over victims of the changes mentioned above: increased selection in education forces them to the bottom in comparison with their better-off peers when opportunities for employment are considered, and being forced into the impoverished segments of the labour market deprives them of the tools for successful competition with those more advanced in age.

In brief, the marginalising effects of the shrinking, ever more competitive employment market and young people's weak ties to the parental home rank as important risk factors behind the development of a socially and culturally excluded youth sector that develops semi-legal patterns of alternative lifestyle in clear response to the denials experienced in all important domains. At the same time, their status in terms of citizenship is clearly reduced in comparison to the more fortunate groups of society. They are excluded from practically all forms of social benefits arising from regular labour-force participation and, if they receive support at all, they are confined to the harshest forms of means-testing, along with suspicion and alienation. It is not an overstatement to say that poor and marginalised youth are considered to be outside the democratic consensus, and the dominant groups of society agree to confine them with varying forms of policing arrangements, which range from the tight control of law-enforcement agencies to the welfare offices and newly developed special education units that, beyond providing knowledge and skills, aim at attaining a certain degree of cultural homogenisation by "adjusting" marginalised youth to the prevailing mainstream norms.

It is important to emphasise that the generational divide and the conflict it generates is characterised by new interpretations and meanings of poverty. It is not only inequalities in income and consumption that sharply separate the older and the younger generations, but also cultural distinctions. Young people's "atypical" work or exclusion from employment appears as a refusal of the old norms and as a manifestation of behaviour built around a misperception of freedom that denies responsibility. As to the perceived responsibilities, the elderly are inclined to express frustration over the weak efforts of the young, while the latter feel equally frustrated because they are excluded from the institutions and measures that guarantee protection while embodying acknowledged membership in society. Both sides tend to express disappointment in terms of personal traits; hence, poverty is perceived in individualised terms of behavioural

deficits while affluence and security appear in terms of individuation, as a spreading of selfishness and the resulting lack of solidarity.

A departure from the interpretational frameworks and concepts is a natural outcome: the elderly blame solely the young, while the young blame solely the older generations – though both seem to speak of the same ills. The chances of an intergenerational consensus are severely reduced because of the missing grounds for a common understanding. As a consequence, communication between the well-to-do in advanced age who occupy good positions and the poor “newcomers” among the young gradually develops into a “dialogue of the deaf” and the deep-rooted tensions in the structures of production and employment become conflicting norms that originate from departing generational patterns of socialisation.

From this perspective, the usefulness of age- and group-specific services for the young seems unquestionable: such social services are considered the best forms to provide a framework of daily life in accordance with the norms and mainstream routines at hand, and thereby a degree of social inclusion. However, the services and institutions in question embody separation and segmentation. By keeping large groups of young people away from the mainstream, they strengthen the feelings of “otherness” and also contribute to the self-sustaining rationale of marginalisation. What follows is a true “catch 22” dilemma: without such services, large vulnerable groups of young people would be deprived of all forms of social and communal involvement; at the same time, this categorisation in exchange for restrictions in citizenship maintains the precariousness of their ties to society-at-large and thus reproduces marginalisation and exclusion. For the most part, the dilemma remains unresolved: as experience shows, the civil initiatives and youth organisations are rarely considered true partners in policy making and are usually left out of the mainstream political process. Whether their marginal status can be changed by inclusion in decision-making processes is an issue to be discussed later.

It is important to observe that, although the age-divides around work and employment have weakened the commonality of citizenship from the angle of economic participation, a substantial degree of unity as expressed in shared history and culture is still preserved. These constituents are preserved and maintained by a range of institutions from education to regulations on voting and to powerful symbols of national unity as the embodiments of identity and national pride. If one draws up a balance sheet, it can be assumed that the shared historical and cultural grounds of citizenship can most probably provide a fertile soil for reconciliation: although the old equilibriums of work and employment cannot

be reconstructed, concessions to the concept of “meaningful economic participation” can help to expand involvement and open the ways toward the development of new dialogues.

The task is more complex if we consider another aspect of the recent deep structural changes as expressed in the dramatically altered ethnic, religious and cultural composition of European societies (for a fresh overview, see Parsons and Smeeding 2006). A historically rather rapid move from homogeneity to ethno-cultural diversity challenges the cultural foundations of citizenship: the new realities invoke a thorough reconsidering of historical and cultural plurality as the new foundations of a shared multicultural framework of togetherness and solidarity (Parekh 2006, Modood 2007). However, as recent experience shows, the creation of new multicultural frameworks is a troublesome process that is hindered by the counter-currents of marginalisation and exclusion along ethnic lines and a spreading attitude that can be summarised as “ethnicising poverty on cultural grounds” (Modood and Werbner 1997, Cohen 1999, Gilroy 2000). What is more, the once-hoped equality that the “colour-blind” policies of welfare states strived to attain has been seriously undermined in recent years: poverty has increasingly become “coloured” and the social responses to it have been built more and more on ethnic separation and segmentation (Evens Foundation 2002). In order to understand these failures, it is perhaps worth reviewing some specificities of poverty engendered by the various forms of immigration and the changed patterns of ethnic cohabitation.

Firstly, regardless of the social positions that they enjoyed prior to leaving the country of origin, immigrants usually face a substantial degree of downward mobility and impoverishment (Platt 2003, De Graaf and Van Zenderen 2009, Gans 2009). This follows from a number of facts: for the sake of establishing their new lives, they mobilise all earlier assets and sacrifice also the social networks that had previously protected them. Although they usually find this a justifiable exchange for the quick upward mobility they both hope for and aim at in the new country, the actual shortage of funds and forms of protection induces high risks: they end up in residential arrangements (low-cost housing estates, “refugee camps”) set up for people like them, and this short-term solution quickly becomes a long-term one. If immigrants gain access to work at all, the jobs within reach belong to the lowest segments of employment, and the dual devaluation by work and residence rarely allows for a breakthrough. As witnessed by interviews and life stories, the first generation is inclined to see their confinement to poverty and separation as a necessary price

and people usually do not complain about it. Their hopes are put into the next generation: all the sacrifices are justified for their inclusion and social progression (Modood 2004, Zhou 2005, Szalai 2011).

Secondly, the new generations face new traps, however. Poverty and segregated residential arrangements discourage educational inclusion: children of migrants end up for the most part in low-quality educational units inhabited by peers from ethnic minority backgrounds. Segregated education is usually coupled with low pedagogical expectations and low standards of instruction. As a result, children of immigrants complete compulsory education with limited knowledge and a severe lack of the skills needed to communicate with the majority population and their institutions. In light of these deficits, young people who perceive their surroundings as hostile and incapable of cultural understanding believe that it is in their self interest to live separately. Cultural devaluation is one of their strongest experiences during the first years at school: their language, history and culture are neglected in the curriculum, just as recognition of their parental homeland.

Amid these conditions of shortages and denial, the motivations for continued study are shaken. Nevertheless, the majority of ethnic minority adolescents remain involved in education beyond the compulsory level. However, their schools are away from the higher-level mainstream: as statistics show, these adolescents are concentrated in vocational programmes and units that train them for the earlier-mentioned precarious forms of work (OECD 2009). If they do not drop out, they face marginalisation on the labour market after graduation. It is primarily they who are expected to service “flexibility”: their unprotected, non-unionised status confines them to insecurity, material instability and imposes fragile working conditions; in brief, the status of the “new” poor.

Thirdly, such a fixing of low status and poverty is underscored by the “holes” in social capital that families of immigrant background have to face. On the one hand, the sacrifices made upon arrival to the new country turn out to be definitive: social contacts of the poor immigrants are confined to neighbours and workmates of the same status and with similar problems. Educational segregation extends the residential enclosures to other institutions: schools, apprenticeship, jobs and even the welfare services set up for “these kinds of people”. In brief, areas of daily life are surrounded by the same invisible fences that keep immigrants and members of ethnic minorities in each other’s proximity and away from the mainstream. While these networks often give rise to new solidarities and calls to recognise otherness on equal grounds, concurrently, the shared

experiences of enclosedness develop a certain degree of alienation from the majority that is often fuelled by frustration and hostility (Zhou 2005).

It is easy to see that cultural alienation and a collective perception of being marginalised on ethno-cultural grounds go against reformulating citizenship according to pluralist foundations and multicultural recognitions. While the indicated developments have been widespread and strong enough to call into question the old commonalities of shared history and culture, the association of poverty with ethnicity has made it difficult to acknowledge minorities' cultural contributions as new constituents of an extended notion of citizenship. Instead, developments have taken a turn in the opposite direction: by ethnicising poverty and by representing it as a failure to adjust and adapt, the dominant majorities have succeeded in maintaining the idea of homogeneity and even imprinting it with the notions of (cultural) superiority. This process, as one of the most painful developments concerning social cohesion and solidarity, deserves some special attention.

The foundations of an ethnicised interpretation of poverty are provided by the above-mentioned structural changes. However, the causalities are turned upside down: low positions appear to reflect intentions and will, and the confinement of the poor to separation and segmentation is read as the manifestation of cultural separatism. Such misperceptions are fed by certain facts of daily reality: true, people of colour are concentrated in given jobs; true, these people tend to live in the same residential areas of cities; true, their civic participation is focused on organisations that comprise ethnic minorities; and it is also true that their children tend to maintain friendships with peers of the same ethnic – or at least minority – group, apart from the majority. In an ethnicised view of the phenomenon, these facts provide an explanation for a behavioural perception of poverty: minority, immigrant and ethnic groups face a high risk of poverty because they lack the ambition to adapt and get involved. These people are seen as those who do not praise modernity and bring up their children to follow outdated traditions. This motive alone is enough to cut them off from access to a wide range of skills and occupations: for reasons of alleged traditionalism, minority children are rarely admitted to study modern science, IT or communications, while they are advised to choose professions that allow for unmediated personal relations “just like home”. The latter is especially true for girls: their concentration in caring is seen in a “self-explanatory” concordance with the traditional female roles within the ethnic community (Williams 2010).

Affinities by tradition also limit the available social contacts of the poor. Their withdrawal to the ethnic culture, and to the practices built upon it, hinders participation in cross-ethnic forms of togetherness, and deprives them of

the opportunities that a rich arsenal of youthful civil associations provides beyond its immediate reach in the realm of study and work. Finally, it is the specific forms of ethnic segmentation that open the way for ethnicised misperceptions: forced segregation of ethnic minorities is seen to be born of free will, and these misperceptions become all the more powerful if it is seen that people learn to live amid these conditions and utilise them in the best available way. This way self-containing local ethnic markets become symbols of a rejection of the “ordinary” market economy, and the high turn-out of employees from the same ethnic group is seen in a reverse way as symbolising favouritism and anti-majority feelings.

In sum, ethnicisation of poverty leads to remarkable departures in perceptions, interpretations and “languages”. Despite all such deficiencies, it meets, however, important needs. As might be obvious from the above, those in domination in society succeed in this manner in supporting and maintaining a “naturalised” conception of poverty that, instead of originating in structural forces and mechanisms, appears as an outcome of a blend of “genetics” and cultural traditions, and as such, it does not even cognitively touch upon the prevailing status quo. Additionally, through the applied ethnicised representations, the dominant groups victoriously distance themselves from any social and political responsibility for the fate of the poor, and thereby reduce the involved macro-level political and policy dilemmas to matters of community-level cultural adjustment. The consequences are clear: as in the case with the age-divide, the ethnicised divides around poverty point toward the devolution of the concept of universal citizenship, hinder solidarity and block any dialogue as a potential source of reconciliation, reconstruction and a new distribution of social responsibilities.

2. Implications for the capabilities and freedoms of the “new” poor

As the above outline indicates, the deepening of the generational and ethnic divides in European societies has led to the weakening of citizenship from two important angles: youth poverty has induced challenges to the universal notion of economic participation through involvement in organised labour, and thereby questions the common principles of the distribution of income and welfare as implied in citizenship; at the same time, the increased risks of poverty among ethnic minorities undermine the common historical and cultural grounds of citizenship by an ethnicised hierarchisation of values, customs and traditions that demonstrates the superiority and enforces the normative aspects of the cultural notions of the ruling majority.

The breaking up of universalism as the guiding principle of citizenship has important implications for the content and manifestations of “new” poverty. While a low share of income and wealth is certainly a classic trait of “new” poverty, much in common with the old forms, it is the exclusion of the “new” poor from certain areas and practices of participation that characterises encounters along the new dividing lines. Issues of participation call for a dynamic approach that looks at poverty in the broad context of knowledge, skills and routines as conditionalities that grant – or deprive of – a certain degree of influence and power. Such a broadened approach to poverty looks beyond the conditions and considers them as products of ongoing processes of adjustment, personal and collective struggles for change and manifestations of failures of these struggles concluding in deprivations. Amartya Sen’s influential theory on capabilities and freedoms provides fertile theoretical ground for such a broadened approach (Sen 1992). As we will see, different sets of capabilities are affected by the new generational and ethnic divides, and these differences lead to diverging forms of struggle, while also affecting manifestations of exclusion.

Let us first consider youth poverty. As the discussion above indicated, the focal issue at stake is marginalisation and exclusion in the economic domain due to limitations on access to the acknowledged forms of organised labour and employment. However, marginalisation and exclusion are not randomly occurring phenomena: those affected are “prepared” in several ways. The most important is education. As we know from the vast literature on educational opportunities and outcomes, despite efforts to democratise schooling and to apply the norms of equal opportunities, the impact of the home still appears to be the most decisive factor forging educational attainment, and schools fail to countervail the disadvantages that children of the poor have in terms of knowledge and motivation (OECD 2009 and 2010).

Poor performance in the early years provides enough justification for selection: in the ever more heated competition for high-level knowledge and skills, it is a matter of measurable “efficiency” for schools to “stream” their best students and to provide limited investments into the education of those whose “turnout” does not promise to bring acknowledgement and high institutional prestige. The unlimited, specific conditions of in-school and between-school selection make fierce competition a new “way of life” for young people who, even if coming from favourable home conditions, can hardly hope for a satisfactory match between the attained qualification and their future job, whereby the road to adulthood seems in their eyes rather troubled and full of uncertainties and disappointments. The insecurities and frustrations this implies have manifold

disruptive implications for the entire young generation that range from a low opinion of solidarity to deep social and cultural segmentations in the youth communities that further accentuate the already rather marked divisions by class, ethnicity and gender. However, with their limited support from home, children of the poor have a high probability of ending up among those who not only lack peer support and solidarity and find themselves on the margins among their classmates, but who progressively become the neglected “others” among their fellows and in the larger community. It is easy to see that from this turning point of marginalisation, their gradually increasing disadvantage is produced by self-sustaining cycles and mechanisms that result in exclusion. By the time they finish compulsory education, the disadvantage in knowledge and skills is quite noticeable and practically cannot be overcome, whereby exclusion gains its self-fulfilling justification (Iacovou and Aassve 2007, Szalai 2011).

The severe shortcomings in standard knowledge and the related skills of co-operation and co-ordination at the disposal of these excluded groups indicate deprivations in capabilities that are of basic importance in making successful career decisions. The institutional expression of limited knowledge and skills is fixing the outcomes: vocational institutions and schools open to the poor make it their official programme to concentrate on narrowly defined work elements, and are therefore conceptually removed from a school system that aims to develop young people’s involvement in the broadly perceived cultural heritage and related practices. Hence, earlier deprivation by practices and routines becomes institutional deprivation: still in school, poor youth find themselves in a world set apart from the mainstream. From here, the paths – as briefly discussed above – lead to precarious and/or atypical work, unemployment or to a return to the family household.

A further set of limitations on capabilities is associated with these pathways: young people kept at the fringes of the labour market – or entirely excluded – are deprived of the opportunity to develop ties with the prevailing protective communities, especially with trade unions as established partners of the employees and the state in fighting for labour rights. By being excluded, yet another series of capabilities is badly affected: routines of discipline, co-operation and co-ordination, practices of solidarity, skills in negotiation, interest representation in contracting, and the habitual methods of organisational participation all remain underdeveloped or severely curtailed.

All this implies that the poor among the young do not learn about, and do not become part of, the customary forms of sorting out and sharing burdens and responsibilities, and thereby prove defenceless in conflicts

where powerful representation is key to success. It is easy to see that access to decent work and employment requires such powerful representation in order to achieve corrections along the generational divide and, more generally, in the distribution of work with implications for granting full citizenship rights. However, due to the deficits in the required capabilities, such representation cannot be set up simply at will: targeted programmes for capability-restoration and a long process of learning seem to be essential prerequisites in any attempt at changing patterns of participation towards including those who have been marginalised and excluded so far.

The poverty of ethnic minorities implies limitations primarily of capabilities related to culture, or more specifically to culturally informed social participation on equal grounds with members of the majority. The limitations arise from enduring experiences of discrimination that are built on cultural degradation and the associated practices of stigmatisation in day-to-day interethnic encounters (Loury 2002). Cultural degradation often takes the form of clashes between “modernity” and “traditionalism” with an obvious superiority of the former in terms of efficiency, productivity and the related notions of success. As a result, members of the minority community – and not only the poor – appear as slow-witted and unprepared to share the values of the society that wants to embrace and include them. They are represented as reluctant to leave behind their “inapt” customs, routines and convictions and such representations are summed up in the stigma of “backwardness”. It follows that the “civilising” mission becomes the major drive of interethnic relations that gains expression in varied discriminatory institutional arrangements ranging from segregated education to subordinating welfare measures and to restrictions on housing – all embodying paternalistic relations and a lack of cultural exchange towards multiculturalism.

When looked upon from the perspective of the affected minorities, a few things follow from such enduring experiences of discrimination. First, the ability to develop a healthy sense of self-esteem as a valuable trait on its own, but also as a source of ambition and imaginative action, is severely hindered: the vast literature in social psychology has demonstrated the threatened identities and broken identity-development of large groups from ethnic minority backgrounds, and the source is recurrently identified in the daily practices of implied degradation and devaluation (Breakwell 1987). Second, massive rejection of the minority’s culture on the part of the majority leads to the working out of techniques and routines of self-defence that are based on withdrawal and on drawing a protective fence around the community in as full a separation from the outer world as possible. Such ethnic enclosures easily become ghettos: their unsuitability to adjust to the

majority's values and cultures is read by the latter as a sign of disloyalty and ungratefulness, and as such, it is often "punished" by denying support, resources and development. This way the diminishing reservoirs and a lack of the necessary means generate collective impoverishment that makes it ever more difficult for the individual members to break out. The collective fate of poverty is nearly unavoidable. What is more, the collective character of the phenomenon even accentuates the majority's inclination to see poverty as an ethnicised trait which originates in incurable characteristics of traditionalism. By ethnicising poverty, the phenomenon becomes a "behavioural" issue that then justifies the "civilising" attitude of the majority: restrictions and separation are seen as the only just measures to inspire adaptation. This way segregation is maintained from both sides: while it embodies the distinctive measures of the majority, it appears as the only viable way of self-protection in the eyes of the minority community.

However, segregation has further consequences on limiting important capabilities. It severely reduces opportunities for interethnic encounters and thus further corrupts mutual learning and the social capital that could be built upon it. Furthermore, segregation gives rise to the development of self-sustaining institutional forms: the more poor minorities are kept apart, the greater the tendency to create their schools, community institutions, civil organisations and even job opportunities apart from society-at-large. While providing short-term solutions, such developments tend to fix poverty in a ghettoised form that then entraps all its members, the young generations included. A third important aspect is severe limitations on knowledge and skills: it is a "natural" development that children of the ghettos are educated in ethnically and socially segregated schools that, due to their sub-standard quality and a reduction in the content of the curriculum, prevent students from moving on to schools and educational programmes that could allow them to enter the rewarding segments of the labour market and thereby escape from poverty (Heckmann et al. 2008, Szalai 2011). Fourth, attempts at reconciling collective identity and thereby assisting members of the community in boosting self-esteem as the foundation of a breakthrough are severely restricted in the ghetto.

The primary basis for belonging to such groups is poverty, which is often accompanied by family histories marked by a sequence of failures. The arising feelings and attitudes of frustration seldom give rise to solidarity. Instead, daily rivalry and a heated competition for scarce resources dominate the scene. True, such hostile attitudes might be countervailed by experiences of togetherness in certain religious or other community activities, but the ties are usually not enduring and powerful enough to become

a basis for cohesion and efficient self-organisation. As a result, the impoverished ethnic ghettos rarely provide any basis for collective struggles of recognition; instead, they motivate their members towards individual experimentation (Cutler, Glaeser and Vidgor 1999, Zhou 2005, Szalai 2011). This way they reinforce the feelings of non-belonging and further reduce the sources of self-esteem. All this concludes in the strengthening of defencelessness and makes it nearly impossible – and a matter of individual heroism – to find a way out.

The above overview leads to a few important conclusions. Although there are many differences in their manifestation and the conflicts around them, both youth poverty and poverty of people from ethnic minority backgrounds are generated and maintained by severe limitations on a set of capabilities that then badly affect important freedoms in the various domains of participation while, concurrently, inducing dangerous hierarchisations and fragmentations in the extent and content of citizens' rights that were once considered universal. Given that citizenship entails access to political representation, its curtailment implies that the "new" poor are deprived of meaningful political participation on the "justified" ground of "second-class citizenship". This way their marginalisation and exclusion as new structural features of European societies appear as unalterable developments and their deprivations become self-sustaining. Hence, limitations on capabilities of the poor become the source of reductions of citizenship rights, and the conditions accompanying these reductions induce limitations in the capabilities that, in principle, would be needed to regain the lost universal contents of citizenship. In the light of the emerging vicious circle, marginalisation and exclusion of the poor appear to constitute an unalterable reality of subordination, and the least we can say is that a desired extension of their participation in policy-making and politics can hardly be hoped for. Therefore, in order to include the poor in a more just distribution of power, we have to turn to the sources of their marginalisation and exclusion and consider some necessary and immediately viable changes in the emerging conditions.

3. Call for shared social responsibilities and the inclusion of the "new" poor

As the above discussion on the limitations of various sets of capabilities demonstrated, a low degree of representation and very restricted rates of participation in organisations bearing influence on policy making and politics is one of the outstanding features of (new) poverty. Due to the high occurrence of unemployment and marginal involvement in employment, young people on the fringes of or outside the labour market are prevented

from becoming members of the trade unions as key actors in policy making around work and living, and for similar reasons they also tend to be seriously underrepresented in organisations that shape policies in welfare. At the same time, youth involvement in civil society mainly comprises representations of a counter-culture whose primary tactic is to keep away from standard political negotiations. In a similar vein – though partly for different reasons – the political representation of ethnic minorities is also weak, and it is practically absent in the case of the poor. As we saw, it is the “missing links” in their ties to majority society and the downgrading in cultural terms that prevents them from becoming involved in majority organisations.

True, the quick spread of ethnic and religious organisations in the civil sphere appears to provide some representation, together with protection. However, it turns out at closer scrutiny that these organisations remain outside the mainstream as embodiments of separation: they tend to underscore an “equality of otherness” and seem determined to refuse inclusion (Fraser 2003). Furthermore, the ghettos that comprise large parts of the ethnic minority poor preclude any involvement even of such “separatist” organisations, and leave the truly poor without any form of protection or representation. Given these conditions, it is difficult to imagine that poor people’s movements and potent self-organisation could open the way to a just share in participation at the table of renegotiating freedoms and responsibilities.

Experience of the past years (in France, Italy and recently in Britain) shows that, if movements arise in the conceptual ghettos of marginalised youth or in the physical ghettos of the poor ethnic minority communities, these go harshly against the prevailing order, and their mostly disruptive tactics of struggle further marginalise their membership by making their case into a public order issue (Wolfreys 2006, Council of Europe Parliamentary Assembly 2008, Jefferson 2011). In the light of these developments, it would be rather naïve to expect civil movements and spontaneously emerging organisations of the poor to turn from one day to the next into influential and acknowledged agents of change and become powerful enough to attain the new social compromises reflecting the dedication of the affluent to diminishing marginalisation and exclusion. Of course, one cannot say that such developments will never occur: after all, social movements have the tendency to arise “out of the blue”, though a posteriori explanations usually identify signs and indications that contemporaries fail to recognise (Piven and Cloward 1979, Melucci 1989).

Nevertheless, based on existing experience, one would be inclined to argue that a breakthrough in sharing social and economic responsibilities

and influence in favour of the poor can hardly be expected from initiatives taken by heavily excluded communities (Goodwin and Jaspers 2003). It is perhaps more realistic to anticipate such developments from a change in the prevailing conditions of deprivation: if a greater equality of the capabilities and freedoms that inform citizenship can be attained through meaningful reforms, then the structural constituents of citizenship become significantly improved in terms of reconciling its eroded universal contents. In turn, the (re)constructed and enriched universal contents of citizenship would open the gate to improved formal and informal participation of those who are currently marginalised or excluded and thus a path can be paved toward reducing the important inequalities that generate the earlier indicated dangerous hierarchisations and subordinations.

At the same time, the reforms to these ends have an important precondition – and this is a general agreement with the democratic minimum that provides the point of departure in defining the (renewed) universal content of citizens' rights. Given that the erosion of universalism discussed above has affected the key constituents of citizens' rights in different degrees by questioning certain aspects while leaving others untouched, some key elements for attaining such a general agreement have been preserved. It is enough to consider that while the unconditional rights for economic participation have been relegated to the past and while measures based on the "principle of desert" have replaced the all-encompassing schemes in welfare, rights for health and safety as well as for access to basic education have retained their universalistic character and are still widely acknowledged in European societies. This is reflected in the fact that despite significant and growing inequalities in all three areas, public policies have successfully maintained their universal schemes that provide a minimum for all members of society everywhere across the continent.

For our current discussion, it is the achievements concerning the universal aspects of education that deserve special attention. The choice is justified as much by the role of education in shaping people's capabilities for participation, as by the possibilities of meaningful reforms that the preserved universalism of education can provide.

The outstanding importance of education for poor people's social, economic, political and cultural participation was demonstrated above. On the one hand, educational inequalities and the consequences of marginalisation and exclusion in the process of schooling turned out to have direct and significant impacts on poor people's capabilities – hence, it is difficult to imagine how citizenship and the adjoining rights for participation can be reconciled without investigating the potential for change in

these conditionalities. On the other hand, the close association between education and employment suggests that poor people's improved labour-force participation also cannot be hoped for without attaining changes in knowledge distribution and civic socialisation that inform and shape their labour-related capabilities and thus prove decisive for all forms of participation that are preconditioned by inclusion in organised labour. In this sense it can be argued that reforms in education have the potential to generate changes in all important areas of participation by affecting a wide range of capabilities.

At the same time, the high degree of social agreement around people's unrestricted right to basic education suggests the formation of a wide coalition around the reforms: it can be hoped for on good grounds that important changes toward enhancing inclusion in education gain massive support across social class, ethnic and gender boundaries and thereby open the gate for improving the participation of the poor.

However, the unity of values and interests does not include all aspects of education. As soon as implications for future status and mobility are considered, education is looked at as a major domain of redistribution that rewards certain attainments and performances while suppressing and devaluing others. The close link between education and social status causes the struggles around the forms and contents arising from contrasting interests related to social class, and often also to ethnicity and gender. Hence, an all-encompassing educational reform that affects education in the context of producing and reproducing the prevailing social order remains outside this discussion, which limits itself to changes for enhancing certain capabilities of the poor – but does so without aspiring to the elimination of poverty as such.

At the heart of educational reforms aimed at enhancing inclusion through improving the capabilities of the poor, a major societal dilemma should be faced and resolved, or at least mitigated. The dilemma is presented in different ways in public debates: professionalism vs. cultural homogenisation; specialisation vs. acculturation; competitiveness vs. observance of universal rights. The core of the dilemma is to be found in the conflicting fundamental missions of education. On the one hand, schooling is meant to provide high-level knowledge that facilitates employment in an ever more competitive world of globalised production. On the other hand, education has a fundamental socialising and civilising function to prepare the new generations for social participation that is rooted, in turn, in a shared history and culture. The requirements that follow from these two functions point toward contrasting educational structures and a

risk of generating serious conflicts. Apparently, the way out has been an increased selectivity as a general trait of European schools that has shaped the highly unequal distribution of knowledge while it has also contributed to the weakening of the cohesive contents of citizenship. This development in public education works clearly to the detriment of the poor – be they children of poor families or coming from disadvantaged ethnic minorities. As was pointed out above, their “justified” streaming into less demanding, lower-standard forms of education results in severe limitations on all the capabilities that education is responsible for: less knowledge, absence of important skills, frustrated motivations and aspirations, limited social skills and the danger of being confined to socially and culturally defined enclosures (often ghettos).

Due to such multiple effects, attempts at reducing selectivity should imply a number of simultaneous reforms. To start with the most important structural element, reinforcing the comprehensive forms of compulsory schooling could provide the umbrella for new experiments in teaching and assessment. Although the main tendency in Europe points toward early tracking and streaming, some countries – the Nordic countries in particular – have succeeded in maintaining (or regaining) comprehensive compulsory schooling as the backbone of their educational systems. The comparative statistics justify their efforts: inequalities in the key competences that are needed for successful economic and social participation are smaller than the average of the OECD countries, drop-out rates are kept low and the rates of continuation are among the highest (OECD 2009 and 2010). It is perhaps no accident that these are the very countries where political participation of the ethnic minority groups is reported to be highest (Lindekilde 2009), though it is still forcefully driven back by powerful groups of the majority. Nevertheless, the potential for successful struggles for recognition and the acknowledgement of multicultural arrangements appear rather strong.

Additionally, expansion of comprehensive education reduces the burden on vocational training in the Nordic schemes. Given a rather late entrance when students have already acquired the body of knowledge that constitutes the base of their meaningful citizenship, vocational schools can focus on skills for enhancing employability. The outcomes justify their work: in contrast to most European countries, rates of unfinished training are low, and most students make at least attempts to continue in higher education. What appears certain is that the exclusionary tendencies are avoided and an educational structure built on a long phase of uniformity topped by a short selective one seems to enhance certain capabilities beyond its immediate reach, that is in employment.

Besides the comprehensive structures, it is the content of education and the daily practices of schooling that matter. In reflecting ethnic and religious diversity, the old principles guiding the curricula have to be revised. In their current most prevalent forms, they send the clear message of superiority and subordination: European culture and values take the lead ahead of all other cultures that are represented as “traditional” and “anti-modernist”, if mentioned at all (Parekh 2006). We saw above the harm that subordination and devaluation make to identity development and self-esteem. The calls for multicultural education focus on changing such implications by putting cultural dialogues into the centre. In acquiring the necessary skills for overcoming the limitations on capabilities in self-representation, self-protection and co-operation, multicultural dialogue has an educational potential of its own: they teach all partners to enter deliberations and acknowledge the contributions of the others. However, this potential can be capitalised on only if multicultural contents are coupled with multicultural practices: ethnic mixing in schools is not only necessary for the sake of justice and a fair sharing of knowledge, but also as the only way of translating the theory of dialogue in multicultural teaching into human terms in the classroom.

This latter claim leads to one that is probably the most important of all in combating educational deficiencies of the poor and ethnic minorities: this is desegregation as the focal element of educational reforms. As we saw above, segregation embodies all kinds of deprivation: it unavoidably leads to reduced content in the knowledge provided by the school; it concentrates mutual feelings of frustration and thereby gives rise to hostile encounters, bullying and expulsion; it deprives students of a set of behavioural skills while cutting them off from acquiring the social skills of communication and interethnic mixing; finally, it institutionalises exclusion by concentrating social deprivation and ethnic degradation, and thereby creates a ghetto proper. Due to such multiple deprivations, being brought up in segregated conditions drives youth away from social inclusion: for the most part, educational segregation becomes the ground of all-round exclusion as much on the job-market as in social contacts or residential conditions. This most severe form of limiting the capabilities of entire groups can be overcome only by collective efforts: desegregation has to be enacted in law and administrative regulations and has to be thoroughly observed as a prime driving principle of a new public policy. Thus, it is clear that the state has a leading role here: it is primarily the state’s legislative interventions and its power of enforcement that are able to alter the attitudes and behaviour of the other players, among whom parents and educators are expected

to participate among highly organised interest groups as much for as against the reforms. These latter actors are usually rather well organised: teachers' trade unions and professional associations as well as parents' boards and community-based civil organisations turn out to be influential partners, and it is not without precedent that their diverse interests can be compromised in deliberative meetings and exchanges. Under the umbrella of the state, it seems feasible to incorporate those who have been left out so far, and thus expand the sharing of responsibilities in a partnership with the poor and ethnic minorities.

Here we are back to the key issue of participation: by enhancing certain core capabilities through comprehension, multiculturalism and desegregation, new resources of interest representation and participation emerge. With the expansion of participation, the base of social support for the reforms becomes enlarged, and the spiral points to a further reduction of inequalities and the built-in exclusionary tendencies of the system. Hence, we can establish that policies that at first sight seem "modest" by aiming simply at lifting the limitations on a set of capabilities of the poor can generate deep change beyond their initial goal: by altering certain constituents of poor people's conditions, the carefully chosen measures of a cautious reform can bring about powerful tools by stimulating enhanced social and political participation and thereby assist in creating a space where previously excluded groups can articulate their interests and needs as equal partners in deliberations and negotiations. This way the mentioned reforms work toward the reconciliation of "broadly meant" education that, in turn, certainly helps in reducing the prevailing inequalities and deconstructs the invisible walls between first- and second-class citizenships. At the same time, it is perhaps worth emphasising that attempts at including the poor without tackling the shortcomings in the necessary capabilities make the policy of inclusion merely a matter of goodwill and illusion: ill-prepared participation easily turns to renewed non-participation that is now accentuated by disappointment and frustration.

In conclusion, let me spell out two implications of the above discussion. First, while education apparently provides good grounds for enhancing a set of those capabilities of the poor that might raise their potential for meaningful participation in the democratic polity, the advantages easily become corrupted if other important domains of social and economic participation remain untouched. As a powerful example, it is perhaps enough to refer here to youth unemployment and the high occurrence of exclusion that it involves. Even if poor young people's access

to knowledge and skills improves in a reformed world of education, better opportunities for accessing good employment are still not guaranteed. As was pointed out earlier, extending employment of the young requires new compromises across generations and the accompanying reordering of redistributive rewards from pensions to welfare. Without such (difficult) reforms, progress in schooling easily withers away (or even results in the contrary): despite a better share in knowledge, youth unemployment produces severe deprivation in respect and self-esteem, deprives youth of important capabilities of co-ordination, discipline and co-operation, and thereby restricts future economic participation while severely reducing their opportunities for political participation. All these wipe out the results of reforms in another domain, and hence call for a necessary degree of concordance across the important policy areas.

The second remark is of a more general character. While strong arguments can be raised in favour of the compartmentalised reforms for enhancing the capabilities of the poor in certain distinct domains of policy making, it is also important to look at the limitations of such an approach. On the one hand, compartmentalisation in itself precludes the necessary co-ordination. It can well be the case that, following from the lack in harmonisation, the various areas shape their measures and interventions according to principles that often might become explicitly contrasted: for example, while educational policies point towards a renewed universalism in citizenship, policies of redistributing welfare still maintain the distinctions by “desert” and work with a restricted notion of formalised citizenship. As a result, compartmentalisation can easily spoil advantages in one or another area and thus undermine the ultimate goal of enhancing participation of the formally excluded groups of the poor. On the other hand, compartmentalised policies also seriously reduce the potential for radical change. By emphasising their “modesty”, these policies – individually and together – confine themselves to the preservation of the status quo: it is their baseline to show that improvement in poor people’s participation can be attained through enhancing their capabilities while maintaining their unchanged position in the social order. As we saw in the case of education, this way a lot can indeed be achieved. However, all these achievements might turn out to be temporary and superficial if the causes of poverty (new and old) remain unaffected. And after all, the true mission of a new share of social involvement and responsibility is to find a way to eliminate the deeply rooted causes. It remains undecided for the time being whether such a move towards genuine sharing can be inspired by extended participation of the poor and the reordering of policy issues that it might imply.

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The sharing of social responsibilities in practice – The experience of two towns of the Cittaslow network

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1. The “slow” approach and the sharing of social responsibilities in practice

In 2007, the most recent year for which data are available, the “Ecological Footprint Index” was 1.5 at global level. The Ecological Footprint Index “tracks the area of biologically productive land and water required to provide the renewable resources people use, and includes the space needed for infrastructure and vegetation to absorb waste carbon dioxide” (WWF 2010). In other words, with our footprint we exceeded by 50% the Earth’s capacity to produce renewable resources and absorb CO₂. It has been calculated on the basis of current tendencies continuing and of conservative projections for population growth, consumption trends and climate change, that the production of carbon dioxide and consumption of natural resources will by 2030 have reached a level equivalent to twice the planet’s capacity for renewal. Paradoxically, and tragically, the acceleration of consumption of natural resources goes in parallel with an alarming worsening of the world food deficit: for the first time in human history, a billion people are living on less than 1 700 Kcal a day, meaning that one person in six is going hungry (Spencer 2011).

These trends are unsustainable, both morally and ecologically. The Slow Food Movement therefore says that a “slowing down” is both necessary and urgent in order to save the Earth – the Mother Earth on which we all depend – and to save humankind from certain disaster. Being slow is a practical way to take on shared responsibility for social, environmental and intergenerational justice. Slowing down is also a response to the World Bank’s appeal for a new “intergenerational pact” based on its World Development Indicators. It can help to establish a development no longer based on acceleration, to bring about change in our production and consumption methods, to review our definition of and criteria for measuring well-being, to make us rethink the system we use for calculating countries’ economic power and to recognise that, in the face of the present crisis in its multiple dimensions, GDP and GNP need to give way to other economic and social models.

Slowing down is also a response to the excesses of our Western lifestyle. We all far too often feel that we lack sufficient time to continue the relationships and carry out the activities which we nevertheless regard as important and beneficial. Most of us do not find time to exercise responsibilities with others, to participate in the initiatives of those around us, to devote energy to voluntary tasks, to develop enriching emotional and intellectual exchanges. As Jana Carp wrote:

time when I feel relaxed, calm, and have time is generally pleasurable and reconnects me with my immediate surroundings and with other people in my family, among my friends and colleagues, more aware of my community and conscious of my ecological niche. ... It seems to be a paradox: to make true progress as quickly as possible, we need to slow down. Slow practices indicate ways of establishing and maintaining consciousness of our social-ecological embeddedness, so that we acknowledge the results of our actions and better recognise and support mutual well-being. (Carp 2010)

2. Cittaslow towns and the sharing of social responsibilities

The concept of shared social responsibilities takes up again, and in some cases even strengthens, one of the traditional principles of political ecology. The Western development model which has taken over worldwide over the past 40 or so years (Heintz et al. 2005; Gallino 2011) has brought an impoverishment of global resources and an aggravation of inequalities. In reaction, a new concept of shared responsibility has come into being, expressed in models like those proposed by, among others, Carlo Petrini (2006 and 2009) and the Slow Food Movement (Shiva 2008). This responsibility is a general concept put into practice in the initiatives and projects of Cittaslow towns. The Cittaslow network now has 110 towns in 16 European countries (and 148 towns in 24 countries worldwide). Each of these towns provides practical examples of the sharing of social responsibilities through projects designed and implemented by local authorities, with the support of the international network. Each project may be regarded as a case study providing many lessons on which other communities may draw. Europe's Cittaslow towns have a combined population of around 600 000; they demonstrate that slow is positive and better than fast, because it produces inclusive and lasting development based on the sharing of social responsibilities. These communities, whose residents enjoy a high level of well-being, show that slow is the future.

Our starting point was very simple: in the light of the success of the Slow Food Movement, we realised that the concept of slow could be extended from food to other fields and, in particular, to towns and our daily lifestyles. Thus the Cittaslow network was born, and rapidly became highly successful (Knox and Mayer, 2006a, 2006b, 2009a and 2009b). Our ambition, particularly with a view to the sharing of social responsibilities, is to ensure that the network develops so as to transform an intuitive feeling into a sound concept combined with a practical approach.

The name Cittaslow is based on our interpretation of the English word "slow" combined with the Italian word *città* (town or city). Our approach may be summed up as a four-stage process: firstly a study of the slow approach introduced by the Slow Food Movement, so as better to understand its content and success; secondly identification of the elements of slow food theory and practice transferable from food to towns; thirdly deciding on the specific meaning that we intend to give to the terms "slow" and "città" in the name Cittaslow; and fourthly, in parallel, defence of social cohesion and diversity so as to reconcile an attachment to the roots of our identity with pluralism, while avoiding any form of localism, and even xenophobia.

What exactly does "slow" mean at local level? Why is it beneficial to implement the slow approach in towns? Among the many ways of exercising social responsibilities at local level, small and medium towns in Europe could become involved in particular along three lines: working for the benefit of all the residents of the municipality, dividing power between residents, public and private players and local bodies, and combating poverty, including the new forms of poverty, through new inclusion and social responsibility policies, new culture and immigration policies, new environmental and economic policies, and urban policies to curb the demographic decline affecting many urban centres and the parallel development of peripheral urban areas. An innovative concept of towns and urban life arises out of these ideas, that of a multiplicity of interdependent and co-responsible places and groups.

Cittaslow has a declared enemy, the "urban desert". This is why the towns in the Cittaslow network vigorously defend neighbourhood life, small shops and craftsmen, and encourage the distribution of "typical local products". As there is a tendency for local government to be entrusted with more and more responsibilities, this affords an opportunity to spread the use of those good practices that have passed the test at local level to other communities, and also to urban neighbourhoods or parts of large cities.

If the mayors and citizens taking part in the Cittaslow network (including the first member town in China, Yaxi Village, in the district of Gaochun, in the county of Nanjing) set an example, this is not in a spirit of competition, but one of trust, with a view to major changes in future in local authorities' production and management methods and the behaviour of citizens. These changes will give rise to broader and better distributed participation in the governance of territories, based on co-production of knowledge, decisions, services, well-being indicators, etc.

Of course, the concept of Cittaslow still has numerous weaknesses. The communities we most frequently refer to are small ones with a rich historic heritage, a fact which entails certain risks and certain advantages. There is a risk that Cittaslow might turn more to the past and heritage conservation than to a sustainable future and social innovation, and fail to seek innovative responses to the problems and challenges of urbanisation as it manifests itself today in new towns and in conurbations. Nevertheless, small and historic cities, with their historic centres and groups open to the future, also offer living examples of those deep-rooted "urban qualities" that the Cittaslow movement intends to explore and promote.

A positive summary of these risks and advantages could read as follows: the Cittaslow network's small historic towns offer living examples of deep-rooted urban qualities. These examples cannot just be mechanically transposed to contemporary urban areas, but they can and should be a source of inspiration and provide practical guidelines, particularly on meeting the challenge thrown up by the emergence of a "multi-local" society model defining towns as complex networks of places and populations.

3. The example of Novellara (Italy)

The town

Novellara is a municipality (*comune*) with a population of 14 000 in northern Italy (near Reggio Emilia, Parma and Modena), and was once the capital of an autonomous state belonging to the Gonzaga family. In the historic part of the town, a central square surrounded by major arcades bears witness to the former importance of this regional capital. The majestic Gonzaga castle, Rocca Gonzaga, dates from the 14th century. Painter and architect Lelio Orsi, one of the leading representatives of the Emilian school, which was influenced by Correggio, Giulio Romano, the Flemish painters and Michelangelo, was born in Novellara in 1511.

Demographic trends and immigration

Novellara is at the heart of Emilia Romagna, a region whose population has developed very rapidly, both qualitatively and quantitatively, as a consequence of the arrival of foreign workers and their families. Data for the last eight years clearly demonstrate the attractiveness of Emilia Romagna to immigrants: the number of foreign residents has increased by an annual average of 17%. From 1993 to 2008 it increased from 43 085 to 421 482, namely from 1.1% to 9.7% of the region's population. Of the 10 provinces in Emilia Romagna, Reggio Emilia, which includes Novellara, has the third highest proportion of foreign residents: 14.1%. Only the provinces of Bologna and Modena have an even higher proportion of foreigners.

In 2009 Novellara had 2 031 immigrant residents; they represented 3.8% of the population in 1999, a figure which has now risen to 14.9%. The age pyramid of the immigrant population of Novellara is as follows: 30% are under 17, 32.8% are between 18 and 34 years of age, 35% are between 35 and 64, and 2.1% are aged 65 or over. The 10 countries with the highest representation (totalling 93.5% of the foreign population) are China (24.1%), India (22.8%), Pakistan (18.1%), Morocco (11.3%), Turkey (4.2%), Albania (3.2%), Romania (3.1%), Ukraine (2.8%), Moldova (2.3%) and Tunisia (1.6%). It may also be noted that the birth rate statistics show that in 2009, 63% of births were to parents who were both born in Italy, 32.9% to parents who were both born abroad and 4.1% to families where one parent was Italian and the other of foreign origin. In summary, the municipality of Novellara has seen its proportion of foreign residents grow from 2.9% to 14.9% in the space of 10 years.

A new citizenship pact: sharing social responsibilities through the mutual recognition of rights and duties

The mayor of Novellara, Raul Daoli, says that:

integration and social inclusion policies intended to reinforce respect both for the rules and for local identity are of vital importance to future harmonious coexistence. This is why the municipality of Novellara applies the fundamental principles of Cittaslow, implementing policies to promote the "living together" of natives and newcomers on the basis of a new citizenship pact setting down rights (education, work, social security and participation) and duties (understanding of and respect for laws and the values characterising the community).

Social cohesion is the fruit of the policies pursued in all the sectors which may affect the well-being of the population. In the case of migrants, these

policies should take account of the rules on newcomers' legal status and of general migration policies. In Emilia Romagna the indicators of social stability show an encouraging situation, as the numbers of persons holding a long-term residence permit rose from 41 228 in 2004 to 100 393 in 2007, and Emilia Romagna now has one of the highest figures of all Italy's regions.

Active inclusion through mutual knowledge and respect

The municipality of Novellara attaches the greatest importance to the fundamental principles prevailing at national and European level and endeavours to encourage mutual knowledge and to lend an ear to the expectations of the different populations living on its territory. It is not by chance that, in a period of just a few years, each group has successfully adopted a method of organisation in line with its own culture and acquired its own place of worship. There is a spirit of openness in the relations between the religious communities. Novellara has several Catholic churches, a Sikh temple and a mosque. The mayor and the representatives of the local administration meet representatives of the Sikh and Muslim communities several times a year for a friendly exchange of views. The same representatives also take part in a working group against exclusion, which carries through an annual programme of activities involving all the stakeholders in the search for solutions to logistical and information problems linked to the organisation of celebrations. The local administration is also careful to maintain active dialogue with communities in order to meet the different faiths' requirements relating to funerals. Tours of the parish church, the mosque and the Sikh temple have been organised, which were open to persons who were not members of the groups concerned.

The "No-one excluded" programme was started in 2005; this views interculturalism not as a response to pressing problems, but as a normal state of affairs in the current period of our towns' history. The aim is at one and the same time to promote the identity, history and features of the area and its residents and to promote interaction between natives and newcomers, by encouraging new relationships and knowledge of each other. The project is designed to highlight the richness and joy of "sharing life" among all the diverse countries and cultures represented in Novellara, to develop intercultural education designed as a means of promoting a positive attitude to symbols of diversity and to combat prejudices connected with dietary habits, clothing, religious rituals and symbolic dates, to bring into contact all who are concerned by the immigration question so as to disseminate information, eliminate duplication and overlapping and make the main players in this field more effective,

to enable immigrants to obtain information about local cultural activities and to help Italians better to understand their new neighbours and better to communicate with them, to encourage schools to take in and assist young immigrants, and to encourage local associations and institutions to share their knowledge and work together in support of community life.

In this context, the municipality has started several dialogue and sharing initiatives, such as the sharing of festivals by several cultural and national groups. During festivals the participating communities present fundamental elements of their identity. Festivals are “slow time” *par excellence*, i.e. they provide opportunities for sharing and celebration that unite all members of society. The sharing of a festival is also a way of overcoming isolation and exclusion without encouraging attempts to convert members of other faiths.

The reception service

On the basis of the principle that, when dealing with immigration-related problems, all areas of life must be dealt with without creating barriers between natives and immigrants, the local administration decided to set up an office not just to deal with immigrants, but to provide a reception service open to all residents. The reception service offers all the services that a general administrative office would offer, without any distinction according to users’ origin. The measures taken to encourage active citizenship and civic pride among new arrivals and to reduce the number of unintentional breaches of the law also include a dedicated webpage, welcome packs (containing, *inter alia*, a copy of the Italian Constitution, a charter of values and a compilation of important laws and regulations translated into various languages), and the promotion of Italian language and civics classes in collaboration with the regional centre.

The reception service staff have been specially trained in intercultural communication in public services on a course provided by the University of Modena and Reggio Emilia; they also participate in intercultural mediation activities. According to the town mayor, Raul Daoli, “the mediator, through his cross-cutting responsibilities, plays a pivotal role in our efforts to help immigrants to understand the laws, regulations, customs and traditions of a country which is new to them, and to promote, through the reception that we offer, relationships of trust and good neighbourliness”.

Welcoming places: the example of schools

Schools exist, not just to guarantee general education for all children, but also, first and foremost, to provide civic training and a high-quality education to the younger generations. Thus schools play a vital part in any

progress policy based on the sharing of social responsibilities, particularly inclusion policies based on reciprocity and mutual respect. Naturally there is always room for improvement in the management and general state of schools; the towns in the Cittaslow network are not exceptions to this rule, but Novellara looks beyond the obstacles. As Mayor Raul Daoli says:

our children are natural cultural mediators from whom a new society will emerge. ... To improve our lives together, we need to define the most urgent priorities. Lay down a set of rules for mutual respect, share these with immigrant populations and ensure that all residents are aware of and respect them. Promote mutual understanding in small groups, in both the public sphere and private life. Open negotiations to resolve conflicts in shared areas, such as the courtyards of blocks of flats.

The increase in the numbers of children with migration backgrounds at all levels has led Novellara's schools to go beyond a number of emergency measures and carry out several projects intended to bring lasting solutions to the new challenges. Encouraged by a long regional tradition of asking children to express their thoughts and ideas, the town's schools have successfully made use of children's linguistic heritage from nursery school onwards, through numerous activities, creating links between the different levels of schooling and maintaining dialogue between the different local schools. The strategies adopted are aimed at reducing any difficulties that children experience when they change to a new school, helping them to achieve a good level of communication and to complete their schooling successfully. The programme includes a number of activities in various fields, including a preliminary reception service open to all children, Italian or foreign, before they enter the school system. Italian lessons (at basic and advanced levels) are provided for children from immigrant backgrounds.

A reception procedure for children has been set up, which applies to all newcomers. The first stage focuses mainly on health and social aspects, as well as contact with pupils' parents. A counselling service is available to help with any psychosocial difficulties due to the stresses of migration and of human contacts in a foreign environment. The particularly rich syllabuses cover reading and writing but also include modules inculcating an understanding of and respect for each nationality's traditions and history and promoting integration and cohesion among pupils. Particular attention is paid to "youth culture" activities, with video clips and films and comics, for example, being produced, and this has the advantage of increasing pupils' attentiveness and motivation. Intercultural teaching

activities are of fundamental importance in the intercultural education of all pupils. In lower secondary schools, pupils with a reasonable knowledge of Italian, but one insufficient for upper secondary school, may take special courses to improve their language and communication skills.

Catering for a growing number of pupils with migration backgrounds

Novellara and the county's other municipalities (Correggio, Fabbrico, Rolo, Rio Saliceto, Campagnola Emilia and San Martino in Rio) have a total of 68 854 resident citizens, of whom 9 433 (13.7%) are immigrants. The proportion of foreign pupils in these municipalities' "general schools", primary schools and lower secondary schools rose from 11.5% in school year 2000-01 to 22.02% in 2009-10. The Novellara area, from this viewpoint, is one of the most complex and heterogeneous in the province of Reggio Emilia. The situation of upper secondary schools is sometimes even more complex. Novellara's Jodi vocational training institute has an average of 54.6% of foreign students attending its classes (95 out of 195 students), and the number of countries represented is very high, while the Einaudi higher education institute in Correggio has an average of only 13.46% of foreign students. Correggio's secondary school has 18.33% foreign pupils, while the secondary schools of Corso and San Tommaso have only 1.93%. Other factors of complexity may be added to this disparity: in Novellara, for instance, the number of children born to parents who are both foreign rose from 17 in 2000 to 57 in 2009.

The general schools have started a number of projects with a view to bringing sustainable responses to the challenges thrown up by this new situation. Schools and local administrations rely on a cultural framework that places the pupil at the centre of all the efforts made and one that perceives the school as a place open to all and offering a guarantee to all of the right to education and to equal opportunities during that education. In this context multilingualism is given particular importance, in so far as a command of the pupil's mother tongue is considered to be a fundamental right, and also a vital tool for acquiring knowledge.

This approach has positive effects in many spheres, not just in schools: it fosters joined-up policies on education, social and health matters and housing; it encourages network building and collaboration between different public authorities; it stresses the importance of dialogue with families from immigrant backgrounds and it facilitates their participation in community life and decision making.

A “slow town” with rapid population growth: striking a balance between local identity and openness

The growth associated with the arrival of new residents of immigrant origin is one of the main levers for change that a local society can have. It is often the case that part of the population tends to react to this with distrust and a desire to turn inwards, and develops a fear, or even a hatred, of newcomers. The municipality of Novellara has devoted significant efforts to research/action projects centring on active listening and the promotion of social mediation. This work has revealed that immigration was perceived more in terms of the “cost of integration” than of “benefits to the economy”, despite the latter being greater. Inclusion is not a spontaneous process, which is why the municipality’s projects include specific measures designed to prevent a dangerous fragmentation of society.

“On 28 July 2011 the municipality of Novellara adopted a motion endorsing our multicultural policies”, explains Mr Daoli. “This is the outcome of work on inclusion which started over 10 years ago”. The motion adopted (Appendix 1) opens up a new phase in this project, the priorities of which are the participation and empowerment of women, the development of the young generations and the organisation of public debates with a view to a better understanding and implementation of the municipality’s charter of values. Moreover, the new town charter of Novellara provides for the presence of representatives of nationals of states that are not members of the European Union at town council meetings, without the right to vote (Appendix 2). After a three-year period of application, the municipality will assess the results of these measures and may adjust its strategy accordingly.

What measures need to be taken to create plural, inclusive and responsible communities?

Youth work must be part of a long-term programme with a perspective of intergenerational equity in order to give lasting encouragement to inclusion and mutual recognition. Rules and regulations, including those relating to the organisation of public services, should be adapted at different levels in order to deal properly with the new multicultural situation. The territory and the urbanisation process should be managed in a participatory and sustainable way, promoting social inclusion and the existence of high-quality public areas and meeting places. An effort should also be made to establish shared responsibility with higher levels of governance, such as the region, the state and the European institutions, in order to find solutions to such complex issues as the legal status of migrants, the management of immigration, production models and welfare establishments.

4. The example of Midden-Delfland (Netherlands)

The town

Midden-Delfland is a municipality of 18 000 residents which encompasses the urban areas of Maasland, Schipluiden and Den Hoorn. It is located in Randstad Holland (literally the “conurbation of Holland”), in the western Netherlands. Randstad Holland is the most intensively built-up and most densely populated area of the country. Nearly 1.3 million people live in the area surrounding Midden-Delfland, where the pressure of urbanisation is particularly high. Over a 20-year period, buildings sprang up all over the region, and green spaces became rare. Midden-Delfland was tasked by the government with preserving and watching over the few remaining green spaces. That means that the area must remain rural and do more to stimulate leisure activities and tourism. This polder landscape with typically silty Dutch soils, enjoys a privileged location, close to major urban zones, encouraging the spread of a socio-economic model based on agriculture, green tourism, services, and the environmental and cultural heritage.

Creating shared visions of the future

Arnoud Rodenburg, its mayor, explains why Midden-Delfland became a Cittaslow town:

For many years, our municipality has been making significant efforts to improve quality of life. The objectives of the *Gebiedsvisie Midden-Delfland® 2025* [Midden-Delfland 2025 Regional Vision] and the *Vitale Dorpen* [Vital Villages] projects fit seamlessly into those of the Cittaslow concept. When creating these future visions, the municipality co-operated with residents, entrepreneurs, concerned organisations and groups to think about the future that they all wanted for the landscape and the villages. The plans stemming from these two projects are now being set up.

The *Gebiedsvisie Midden-Delfland® 2025* is the tool being used to keep Midden-Delfland as one of the last agricultural and cultural landscapes still preserved. This outlook chimes perfectly with Cittaslow member Midden-Delfland’s own identity: a preserved rural and cultural landscape with a prestigious past, where it is still possible to appreciate silence and space, but which also offers a wide variety of commercial activities. The *Vitale Dorpen* project also looks to the future. While project activity focuses on preservation of the historic centres, it is the theme of conservation through development that runs through this movement. In other

words, we must recognise the values that are the rich assets of today's villages, such as their cultural heritage, quality of human relations and exceptional landscapes, while moving on in today's world by developing and adapting these values.

The Cittaslow capital of the Netherlands

Any municipality wishing to join Cittaslow is assessed on whether it delivers the highest quality in the following areas: living environment, landscape, regional products, hospitality, infrastructure, cultural heritage, recognition of diversities, commitment to maintaining its own identity, participation, social responsibility and social inclusion. The municipality of Midden-Delfland was chosen to be the first Cittaslow member in the Netherlands on 28 June 2008. As the first Cittaslow town in the Netherlands, the municipality is also that country's Cittaslow capital. This role as the pioneering capital is a fairly appropriate one for our municipality. Residents and visitors alike particularly appreciate the very pleasant atmosphere of its open landscapes, where extensive grasslands rich in peat surround highly typical villages right at the heart of the dense conurbation of Rotterdam, The Hague, Delft and the glasshouses of the Westland. In practice, for this kind of municipality, it is particularly important to nurture local identity, strengthen it and make it widely known, while encouraging pluralism.

Environment and landscape: the importance of beauty

Midden-Delfland is a "green island" between major urban zones such as The Hague and the Delft and Rotterdam urban areas. The authorities of The Hague region have in recent years created favourable conditions enabling proactive policies guaranteeing a "right to green" for all to be introduced at municipal level.¹⁹ Cittaslow member Midden-Delfland is also profiting from these favourable conditions, encouraging the creation of "protected areas", "lake and river zones", green corridors and areas for public leisure activities.

To preserve its particular regional traits and the specific nature of its territory, and to ensure that these are promoted, the municipality of Midden-Delfland attaches particular importance to the quality of its environment. As a Cittaslow member, it offers a living environment where residents can perfectly well thrive and feel at home. In co-operation with various institutions and associations, the municipality is working extremely hard

19. See site at: <https://community.iucn.org/rba1/projects/default.aspx>.

in various spheres associated with quality of landscape, human relationships and the preservation of the built-up areas that make up this living environment. Thanks to its youth policy, young people have the opportunity to learn and to thrive in Cittaslow member Midden-Delfland. This policy is based on a range of opportunities for education and leisure activities, as well as on a policy to prevent children from falling ever further behind.

With its green-space management plan, the municipality is working actively to preserve an authentic landscape and improve the “right to green” for all. The main aim of this management plan is sustainability, on which it places quite particular emphasis; it relies on greater awareness of nature and the environment, on improving the day-to-day living environment and on strengthening the villages’ public image. The objective of the policy of the municipality of Midden-Delfland is to record landscape assets and preserve and strengthen these. This is an important aspect of Cittaslow accreditation. The Landscape development plan is part of the *Gebiedsvisie Midden-Delfland® 2025*. In co-operation with neighbouring municipalities and the players concerned, the municipality records current landscape assets and defines how these can be preserved and strengthened, thanks to the fact that they are clearly included in the municipality’s land use plans. Thanks to its tree management policy, the municipality records and protects important trees linked to its history. There are therefore precise rules on tree felling, and any tree felled has to be replaced by another so that the number of trees does not decline. Moreover, a specialist group trims willows with the greatest care each year.

Living culture, local products, markets

The most important challenge for the future of Cittaslow member Midden-Delfland is to monitor and promote the quality of the living environment and its hospitality. This implies a healthy environment, landscapes of beauty, good infrastructure and authentic local products. In fact, joining Cittaslow is a first step, while being and remaining a “Cittaslow” is a second.

The municipality strives to make residents, entrepreneurs, officials, associations and institutions more aware of their living environment and of their own culture. Entrepreneurs play an active role in the management of the region. The mutual relationship that exists between inclusion, nature, recreation and business, and their connection with the heritage value of the landscape and with the adjacent urban area are what give Midden-Delfland its specific character.

The *h'Eerlijk Delfland* ("authentic local products") association aims to promote regional products and sell them in "farm shops". The *Stichting Groen Goud* (Green Gold Foundation) is another initiative which brings together entrepreneurs, associations and the municipality. One of its objectives is to ensure the preservation of the quality of regional products and promote these. Attention is also given to regional products by the *Taskforce voor de Multifunctionele Landbouw*, a body set up by the Ministry of Agriculture, Nature and Food Quality, and of which the municipality is a member. Various regional markets also take place in the region, including the *Tuin van de Randstad*, Delft regional market and *Midden-Delflanddag*.

Hospitality and "slow tourism"

One of the hallmarks of Cittaslow members is their sense of hospitality. The region will be all the easier to identify in the near future thanks to access gateways. These will clearly indicate to the region's visitors that they are entering the area of Midden-Delfland; they will provide up-to-date information, particularly about tourist and recreational facilities.

The green zone of Midden-Delfland, criss-crossed by ditches and dotted with lakes, has not only an agricultural function, but also a tourist and recreational function. The municipality strives for optimum accessibility of the area, in order to be able to offer a warm welcome to visitors and residents. This hospitality means that visitors and residents have to be clearly informed about the wide range of possibilities that Midden-Delfland offers. That is why the municipality has had international signs put up indicating the way to the historic centres, and has installed descriptive notices at places and buildings of cultural interest. Several cycle tracks and tourist trails cross Midden-Delfland. The cycling junction system is an important part of the further development of recreational facilities in the region. This comprises a network of cycle routes along attractive roads and cycle tracks. It makes it possible for cycling enthusiasts to plan their routes themselves.

Sustainability through infrastructure policies

In the context of its active waste-management policy, the municipality pays quite particular attention to separate collections, recycling and fly tipping. Furthermore, the public lighting network and municipal buildings are supplied with green energy. Cittaslow members are also duty-bound to provide for the future, ensure further development and improve their policies. Where the environment is concerned,

Midden-Delfland is developing a “policy to combat landscape pollution”. It is also focusing on a “lighting and noise management policy” which addresses, *inter alia*, public lighting, lighting in glasshouses and control of noise emissions. In order to obtain Cittaslow accreditation, the municipality of Midden-Delfland was assessed on the quality of its infrastructure in the broad sense, including that dedicated to the preservation of the environment and landscape. In this context, the municipality is also pursuing an infrastructure policy geared to achieving sound division and distribution and the putting to good use of land and sites.

Preservation and restoration of the historic centre

Midden-Delfland, as a Cittaslow town, works hard to preserve the municipality’s historic and cultural heritage and diversity. This explains its general attachment of great importance to monuments, which cannot be altered in any way without permission from the municipal authorities. Owners may be eligible for grants to maintain a monument. The regulations on monuments make it easy to preserve and restore the historic centres. The *Groenfonds Midden-Delfland* awards grants for the maintenance of cultural heritage buildings. The cultural heritage is also preserved thanks to museums, the existence of historical associations, and the protected status of historical and cultural buildings.

The municipality of Midden-Delfland also plays its part in the regional plans drawn up in respect of traffic and mobility and has its own policy to ensure road safety within its area. There are special provisions for specific facilities to be installed near schools, making it easier for pedestrians to cross and restricting traffic on minor roads by introducing regulatory arrangements and 30-kilometre speed limit zones.

Housing policy

In 2009, a new housing policy was drawn up in close consultation with other local partners, such as housing associations, owners’ associations, financial intermediaries and property developers: it set out priorities and strategies in this crucial sector for the next 15 years. Almost a quarter (24%) of all housing stock in Midden-Delfland consists of social housing. We want people with limited incomes to have better prospects in terms of housing supply. Our target is to ensure that people with low and medium incomes have better prospects in terms of housing supply. We are committed to developing a social housing stock of sufficient size and quality and to making this more accessible.

Combating unemployment

Municipalities in the Netherlands have two systems of payments for the unemployed, and every unemployed person is entitled to “personalised reintegration”. Midden-Delfland’s agencies analyse the shortest route to a return to paid work, with all necessary attention being paid to work experience and job training. This approach has led to a favourable situation: only 1.8% of the working population is currently unemployed. This is the lowest rate in our region (regional average: 6.4%). For those who, because of individual circumstances, cannot return to paid work, the municipality has adopted a social participation approach. This may include voluntary work (through, for instance, commitments to sports clubs, community centres or care centres for the elderly). What is important is that people participate directly, not in paid employment, but by actively contributing to the local community. This not only improves the local community’s quality of life, but also increases individual self-esteem, while avoiding the risk of exclusion or self-exclusion.

Education as a strategic policy

In 2011, the Lentiz Maasland school started a pilot project called “Enterprising education”. This project focuses on learning and working in a business environment: a “work and knowledge environment” where education, entrepreneurs and members of the Midden-Delfland regional authority come together. Different school levels and different schools in the region may participate. In this “work and knowledge environment”, lasting contracts have been concluded between the different partners, under the responsibility of the “manager” of this environment. In 15 other regions of the country this method has been tested, with the support of the central government of the Netherlands. Alongside this project, the Lentiz Maasland school organises exchange programmes with schools abroad: steps are already being taken to open an education centre in Midden-Delfland. During these and other projects, the aim of education policies and practices is to integrate and find new connections with the core ideas of the Cittaslow concept.

Active involvement of the population in the devising of policies

As far as is possible, the municipality of Midden-Delfland involves its residents in the devising of policies. A good example of this approach is the Social Support Act (WMO), under which is set up a client council as an independent advisory board for the municipality. The members of

the WMO client council, all citizens of Midden-Delfland, represent those residents likely to come within the scope of that law. The chairperson and secretary receive a small attendance fee, but the other members are entirely volunteers. Some members are persons with disabilities or their parents, for example, while another member represents the elderly people of the town. They need to have expertise in the policy field relevant to the WMO, so that they can actively support, by providing information and pertinent views, the political processes and the delivery of quality services to persons with disabilities and the elderly.

In the past, the client council's advice was sought only at the end of the process of devising policy. Now a different approach is taken, starting with a study of the services provided to the elderly and persons with disabilities. During an initial phase, the WMO client council is involved in the preparation of a new policy. Three meetings take place at which the municipality of Midden-Delfland consults closely with the WMO client council. The latter is not only informed of the principles of the new policy, but is able to contribute by putting forward suggestions and ideas. In addition, the municipality's alderman regularly consults the WMO client council. All these participatory procedures for the devising of policy reduce the gap between citizens and institutions, and increase the recognition of political outcomes, even in situations where, unfortunately, unpleasant choices have to be made as a result of budget cuts.

The sharing of responsibilities with citizens thanks to "participatory tools"

Participation is crucial for Cittaslow towns: genuine co-operation with institutions, associations, entrepreneurs, citizens and other municipalities is the vital condition for continuing to make progress. In the Midden-Delfland region, policies and vision documents relating to the landscape and to the villages' environment and quality of life (encompassing all the principles of Cittaslow) have been developed interactively and openly, with the enthusiastic participation of residents and other stakeholders. The results have been brought together in several vision documents, such as the *Gebiedsvisie Midden-Delfland® 2025* (landscape), *Behoud door Ontwikkeling* (pleasant village life) and the recent Landscape development plan for Midden-Delfland. Participation offers two advantages: the municipality and local government listen to the wishes and requests of the population, but at the same time they generate support for their own visions and policies among residents and entrepreneurs.

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Appendix 1 – Motion approved on 28 July 2011 by the municipality of Novellara – Protecting and supporting the fundamental rights of minors and women

Considering that:

- Novellara has been declared a sustainable town for children;
- Novellara is a member of the Cittaslow network;
- Novellara intends to work for the participation and development of all members of the community, including the youngest, in full compliance with the principles of the Constitution;
- the principles of the Constitution are the basis for community life which respects the liberties, rights and development of each of us.

Considering that:

- the international legal framework (International Convention on the Elimination of All Forms of Discrimination against Women, Universal Declaration of Human Rights, Beijing Platform for Action);
- the European legal framework (Treaty on European Union, Treaty on the Functioning of the European Union, Charter of Fundamental Rights, Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe Convention on preventing and combating violence against women and domestic violence, Recommendation 1723 (2005) and Resolutions 1468 (2005) and 1662 (2009) of the Parliamentary Assembly of the Council of Europe);
- the Charter of values of citizenship and integration (published in the Italian Official Gazette of 15 June 2007), which sets out important guidelines on “reconciling respect for cultural and ethical differences, which are legitimate and positive, and respect for shared values”;
- the need to simplify and make it easier to understand the aforementioned document, attached, which contains brief definitions of a number of fixed and non-negotiable items, relating in particular to the protection of minors and women;
- the need to encourage debate on human rights and on means of advancing humanism within the community, and the need to raise greater awareness of these issues in all the groups which make up the population of Novellara, regardless of cultural differences;
- the discussions and dialogue on the subject of respect for the rights of minors and women at meetings of the “No-one excluded” project;

The town council calls upon the Mayor and the municipality to:

- conduct awareness and education campaigns among all sections of Novellara society on the subject of respect for human rights, paying particular attention to the issue of forced marriages, the situation of women and the rights of children;
- promote discussions and training on these subjects with the help of the services and bodies that operate at levels above the municipality and the province, with a view to the setting up of a network and the defining of protocols for intervention;
- participate in European research projects covering the protection of individual liberties and human rights, in particular those of minors and women;
- organise meetings with eminent personalities, recognised by the institutions, with a view to joint initiatives focusing on respect for constitutional liberties;
- promote dialogue and encourage requests for naturalisation to the Prefect in order to highlight respect for human rights, particularly those of minors and women;
- ensure broad dissemination of the attached document within the different groups which make up the population of Novellara, and promote discussion, in places where men, women and children gather, as well as, with the permission of the school authorities, in secondary schools;
- include the attached document among those to be signed at the time of naturalisation and of confirmation of residence;
- continue the work done to assist families and provide parents with parental training, for example in the context of the following projects: parenting courses at Bassa Reggiana Family Centre and education and training courses at San Bernardino maternity hospital.

Appendix 2 – Town Charter of Novellara

Article 16 – Representation at town council meetings of nationals of states that are not European Union members²⁰

The town of Novellara guarantees the presence at town council meetings of representatives of nationals of states that are not European Union members, without voting rights, with a view to:

- strengthening the ties between the population of foreign origin and local bodies, it being borne in mind that the proper functioning of local administration depends on the participation of all residents;
- consolidating the co-operation between local bodies and foreigners (from outside the EU) in order to smooth out any difficulties jeopardising the latter's integration into Novellara society;
- raising public awareness of the fact that the community belongs to all its residents and that each should contribute to its proper functioning according to his or her abilities and in compliance with the law;
- promoting a new concept of citizenship whereby knowledge of each person's rights and duties should enable Italians and foreigners to live together in harmony;
- emphasising the need for measures entailing foreign communities' participation at all levels of community life.

The following rights, subject to exactly the same regulations as those which apply to town councillors, are guaranteed to the two representatives of foreigners entitled to attend town council meetings:

- the right to be invited to meetings of the town council;
- the right to enter the areas reserved for councillors;
- the right to speak;
- the right to receive information about the subjects under discussion.

Separate regulations apply to election procedures and to the technical aspects of the representation of foreigners at town council meetings.

20. See: www.comune.novellara.re.it/servizi/menu/dinamica.aspx?idArea=627&idCat=650&ID=659.

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These reflections on the sharing of social responsibilities as proposed by the Council of Europe pave the way for asserting concepts and forms of behaviour that, while acknowledging differences in status and authority, can nevertheless promote multiple opportunities for deliberation, joint decision making, co-operation and reciprocity between stakeholders. If we are to avoid conflict and destruction in the face of growing interdependence, it is essential to reformulate current social choices, ensuring that social, intergenerational and environmental justice lie at their very heart.

This volume, like the previous one on the same theme, calls us to take action by once again heeding a key social function: when making choices and decisions, taking into consideration the expectations and preferences of the different players and citizens, and in so doing to promote transparency. Failure to exercise this function will destroy our human, natural and knowledge- and solidarity-based resources, without which efforts to make any long-term progress would be to no avail.

By advocating an approach of shared social responsibilities, this volume also takes a fresh look at conceptual and legal frameworks, and goods as facilitators of life together.

This publication will contribute to social debate and alert citizens to the need to develop opportunities for multi-stakeholder, multi-level and multi-sectoral exchanges, decision making and action, providing the same opportunities for the weakest as for the strongest and placing an emphasis on equitable access in a long-term perspective.

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ISBN 978-92-871-7344-7



€49/US\$98