

*Andrzej Grzegorzcyk**

Subsidiarity in the Philosophical Vision of Social Actions

The notion of subsidiarity occurs in many general social situations and is used also in legal documents. In social situations the meaning of subsidiarity is often explained by means of some vague or ideological conceptions. However for legal documents its meaning should be defined as simply as possible and rooted in objective descriptive science.

The definition proposed in this paper tries to achieve a double goal:

1. the avoidance of ideological traps created by the history of social and political ideas,
2. the foundation of the conception of subsidiarity on the ground of sociological analysis of interhuman actions and relationships.

As in a classical philosophical treaty, I finish my thought with a reflection that concerns the general human condition. If somebody would like to call that philosophical reflection an ideological one - in a pejorative sense - I should defend myself by saying that this is not an ideology *a priori* but the result of an anthropological synthesis.

1. Interactions, debates, procedures

Human individuals are the basic entities which are considered in the social sciences. All other entities which are treated in these sciences may be reduced to some properties of human beings or to relationships between those human beings. Interactions and debates are some relationships between human individuals or between groups of them.

* Professor **Andrzej Grzegorzcyk**: Institute of Philosophy and Sociology, Polish Academy of Science.

Social life in a modern state consists of a number of interactions: co-operative actions, struggles, competitions and debates between human beings and their groups. Debates within decision-making bodies and civic debate may be considered as interactions which are stable and institutionalised. They also embrace a large number of areas. Citizens choose their representatives for the Parliamentary debate and regional (local) bodies. Sometimes, they also participate in the direct process of democratic decision-taking in the form of a referendum or presidential elections. In addition to the above, each person, depending on his or her level of activity or involvement, can participate in civic debate through the media.

The intellectual and moral value of these debates depends on the society's culture, and, in particular, on the extent to which individual members of the society are able to experience such moral values as justice and respect for others. The greater or lesser intensity of that experience determines the degree to which these values are being realised in the procedures employed in such debates. In the 15th-18th centuries the Polish *liberum veto* was a procedure in Parliamentary debate which was meant to symbolise the principle of respect for everyone. Everyone could be right, and see arguments others were not aware of; so matters ought to have been discussed between all until unanimity was reached.

Today, there are also some minor groups in Poland (also, possibly, elsewhere; the author, however, is familiar with those operating in Poland), which act using the *liberum veto* principle. It can be effective only when all the individuals present are morally involved in attaining unanimity and agreement with regard to the matter under discussion, which means they are interested in arriving at an objective truth or good. Without such involvement, the *liberum veto* becomes nothing more than a circumstance, facilitating manipulation for the achievement of particular (selfish) goals. Therefore, the *liberum veto* is a valuable principle provided that certain moral values are implemented in the social life by participants in the debate. Such is, in fact, the case with every other social procedure or legal instrument, especially with controlling and conciliatory procedures and instruments.

Any form of division of inter-related competencies qualifies in the category of controlling and conciliatory procedures: the division of powers into the legislative, executive and judiciary branches in a modern state belongs here, to quote but one example adopted in the 18th century, and following the Montesquieu model. Today, we could add two more: the power of scientific research, and the power of ecological and health care. Greater significance should be secured for both areas along with increased independence, stability and objectivism, as well as separation from strife between political parties.

The division of competencies performs also another function: it facilitates social control.

The media constitutes an element of an important controlling procedure in the form of shaping public opinion. Of all the procedures modelling the life of society, this one is the least formalised. It depends solely on the spontaneous activity of people involved within it, and the social support of the audience, whose members at the same time constitute a source of its financing. The procedure of public opinion formation in the course of civic debate should be subject to public care even to the extent of establishing a separate institution, qualifying and promoting ideas resulting from small local or professional debates to debates in the national media.

2. The definition-formula

I would like to put forward a formula which could be termed as the definition of subsidiarity in the classical sense, i.e. through *genus proximum* and *differentia specifica*. It will be the definition of subsidiarity as a general idea, and not as specific legal decisions. The first, very general approach to the idea of subsidiarity is such: **subsidiarity is a moral idea of improving social relations, procedures and structures; subsidiarity legal tools or instruments are those which implement this general idea** .

The following statement could serve as a defining formula: **subsidiarity, as a moral idea, is non-violence in management**. In French, this could be rendered as *non violence en gestion*, and in English *non-violence in management*, or, using different words, *non-violence in decision making*. Let us assume: *non-violence in the domain of decision making and in ruling*. The above formula consists of a certain ethical term at the beginning, and a practical one at the end. The combination of these two elements, which are in fact quite remote, one belonging to humanism and ethics, and the other is being practical and taken from the praxeology of action, causes certain difficulty in using it and in providing a definition of it that would be relatively simple and operative.

The notion of *non-violence* has been, since Gandhi's time, quite well-known and widely used in the practice and theory of social life. I will begin my explanations with the sociological definition of this term and not with historical analysis, unlike many authors who go back as far as Aristotle or Thomas Aquinas. The explanation of the term can be, in fact, carried out on scientific grounds, within the area of philosophical analysis or philosophical hermeneutics, the hermeneutics of human attitudes based on psychological and sociological knowledge of people.

3. Social interactions of hermeneutics

If we consider the ways in which an individual can influence other individuals or their groups („influence” is understood here in its sociological sense, as an attempt to change behaviours or attitudes of individuals who are the subjects of that influence), a certain classification suggests itself. First of all, the influence can be partnership-like in character, and helpful. In English, the appropriate term would be *equitable*, and in French - *equitable et assistante*. In this form of influence, the individual exercising it and the subject of his/her action are on a par. „The influencer” does not assume a higher position, and treats „the influencee” as an equal. Therefore, if there is any difference of opinion or views between them, the person influencing will want to convince the one influenced, or, if no such difference occurs, to help him or her. This help would mean being aware of having a common aim, and joint thinking about possible ways of achieving it: either non-interference (being a form of „negative” help), or active help (aiding in the term’s strict definition).

Advice is a form of aid in planning. Another form of help - of the psychological type - is the acknowledgement of value when the behaviour of the person acting is a manifestation of a certain attitude which can be understood by individuals - objects of exercising influence - as it is shown and experienced with considerable intensity at the same time. The acknowledgement of value (or value testimony) was the main way of the exercising influence by Gandhi, as well as Martin Luther King and other non-violence activists, who propagated it all over the world. One can say that in numerous actions, such as the revolt against Marcos in the Philippines in 1986, or the Polish „Solidarity” rebellion of 1980 against the communist dictatorship, contained many elements of the value-testimony type in exercising influence through non-violence. Fundamental in this kind of actions is respect for other people.

Proceeding to the second point in our classification, it should be indicated that the individual exercising his/her influence upon other individual(s) can think (sometimes justly, sometimes not) that he or she is situated, in one respect or other, higher than the object of his/her actions, and represents something more or something better. This form of influence can be termed as „pressure”. Request and order - just as well as praise or making one ashamed - are all actions taken from the superior position. Even the beggar who asks me for money is superior to me with regard to knowledge concerning his needs. His knowledge of the things he needs, unknown to me, gives him, in fact, the right to exercise pressure on me, the right to what is called „asking” for alms. Every request is formulated from the position of someone being superior to someone else in a certain respect. Even more so is a command or an order, but even appraisal is a form of pressure, formulated by someone who

is able to tell what is what and has the right to praise. Here, language is a differentiation as to the position of the speaker. Someone in a lower position admires the person who is situated above him or her: the teacher praises the student, and the student admires the teacher. This is the difference between „praising” and „admiring”. One can easily imagine a situation in which praising, say, the Pope or a president, by a person situated clearly lower in a given hierarchy, would be regarded as tactless. Similarly, rebuking, criticising or making someone ashamed is always done from the point of view of someone who knows better and is in a position to tell the other person what he or she is doing wrong.

These types of pressure concern the will. Sometimes, however, we happen to exercise influence upon others simply without paying attention to their will; instead, we create certain social, individual or material conditions in which they become restrained. This is violence. I would define it as conditioning irrespective of the individual's will. No matter what it is that a prisoner wants or wishes for, if he is imprisoned, he can only do what I allow him to do since I put him into confinement. For instance, he can shout in his cell, but cannot go out for a stroll in the street.

Therefore, we can divide influences into:

- helpful,
- creating pressure,
- violating.

The above is a form of empirical classification of human behaviour. The statement that the most human type of influence is, of course, the first one, helpful and non-violent in character, seems perfectly natural in the analysis of these behaviours or attitudes. Such influence is a manifestation of respect for another person, as it situates him or her on a par with us without exercising pressure. It does not subjugate, and even if we do not agree with our partner, we help him change his behaviour by showing him the example (acknowledgement of value) of our attitude which we consider proper. It is in this area that I look for further hints for naming - defining - subsidiarity.

4. The essence of democracy - social creativity open to all citizens

It seems that the respect for other human beings is, to a large extent, expressed simply in democracy. Democracy, as a social instrument providing equal chances - or equal votes - for all, is a form of realising that respect. In the first place, democracy fairly and equally distributes the opportunities for legislative creation. Perhaps we should even reverse the order here and say that democracy is that form of the state's ideal in which the distribution of legislative creation

is done equally and fairly. The difference between authoritarian government, dictatorship or the rule of even the most enlightened of absolute monarchs and democracy lies in that the authoritarian leader captures the whole of social creativity for himself.

In democracy, in turn, every person, every participant of the collective life can be an author - a creator - of new social instruments. He (or she) can make laws, thus changing the social reality. He can present his own reform projects in his local community, or, on a national level, act through his Parliamentary representatives. That form of creativity is not seized - usurped - by one person or group. In dictatorships where political parties acted as rulers, for instance in communist countries, legislative creativity was captured by the party in power. In true democracies, it is available to all. This is an element of extreme importance, as it is the creation of both material and spiritual goods that is unique to men, and distinguishes human beings from other animal species. In a democracy, this unique characteristic is distributed fairly. In this system, anyone with certain creative potential can make use of it.

Still, the notion of democracy was made technical. It became less a description of ethical attitudes, and more a description of decision-making mechanisms. In political practice, democracy is simply a situation in which the decisive power lies with the majority. As a result of certain technicalising of the notion, it became necessary to include a new notion into the ethical issues related to decision-making. As we know, the majority can suddenly make a decision extremely disadvantageous for the minority: 51% can vote for depriving the remaining 49% of society of all its rights. This paradox has often been quoted by philosopher Leszek Kołakowski as an argument against „automatic” majority democracy. The fact that the decisive power lies with the majority is not sufficient protection from certain easy-to-imagine evils. If the majority decides to annihilate the minority, it cannot be qualified as anything else but a crime committed by the strong on the weak. Democracy as a decision-through-voting device is incapable of providing protection against this kind of crime, evil or injustice. Therefore, a need arises to take care of the minority. The solution to this situation is contained primarily in the notion of subsidiarity, and consists in the principle that each minority has the right to decide in any matter concerning this minority. This is at the core of the issue discussed while analysing the notion of subsidiarity.

5. The imaginary ideal figure of subsidiarity

Democracy can be termed as subsidiary if it includes such decision-making (or arbitration) procedures in which each individual has the right to decide on issues concerning him or her. From the above, a certain imaginary - ideal - legal and theoretical figure emerges. In a situation when a particular social decision needs to be made (and such decisions always concern different people to a different extent), those who will be more affected by it should have more voting capacity. In each instance, shares should be distributed among the members of the community, giving them the right to vote, and differing as to their voting power. Individuals to whom the decision to be made concerns more than others should be allocated more shares, thus increasing the strength of their ballot.

Needless to say, the solution presented above immediately prompts discussion concerning certain issues. Let us consider, as an example, a situation in which we want to punish a criminal. There is no doubt that the punishment concerns the criminal: in such a case, he (or she) should be given the right to decide about his own situation. This, however, is not true: if he is a criminal, he destroys the well-being of others by his behaviour. Therefore, others have the right to decide about his fate to the extent to which he has destroyed their well-being. Of course, so-called punishment is not exercising something such as abstract Justice, but a form of protection against the offender, or an attempt for his resocialisation.

A large number of issues for pragmatic discussion emerge here: when and in what situation, is somebody's well-being endangered, and whose well-being is it actually. On the other hand, as far as the main application of subsidiarity - the self-government of local communities or professional groups is concerned, the situation is relatively simple. The problems of these communities or groups are of little relevance to the whole of society. Certainly, if members of a local community wanted an atomic power plant to be built in their area, it would be clear that any decision here would affect not only the locals, but also the whole of society. Therefore, we would not be able to say that the power of decision-making with regard to that issue should lie solely with the local community in question. If, however, a local community wished to have all signs in two languages - the official one, and the one of their national minority group - it would not undermine the interests of society as a whole, and the group should have unrestrained freedom in decision-making.

Needless to say, the development of a legal and theoretical figure of the kind presented above produces many problems. The possibility of such an idea to be implemented almost literally cannot be excluded. In that case, the main issue would be the establishment of a person or collective body authorised to

distribute „ballot shares” (votes). Anyone deserving the appointment to a position of such huge relevance would have to enjoy great moral trust. In practice, finding such an individual or institution could prove just as difficult as any other attempt at reaching agreement between groups of conflicting interests. If that is the case, perhaps the imaginary figure presented above is capable of nothing but confronting the reader with the ensuing moral issue?

6. Irreducibility of social morality issues to legal procedures

A moral issue as such can never be reduced to a mechanical procedure. If in a conflict of interests neither party is willing to take into consideration the needs of the other party, no procedure or arbitration will be adopted, and the already existing procedures will be either violated or corrupted. Any conciliatory procedure requires moral acceptance from its participants, meaning abandoning of the visions in which an argument of one's own interest is regarded as the only valid one. Without overcoming egoism, even to a minimum degree, there are no chances for any arbitration procedures to be adopted.

An argument for conciliatory procedures (arbitration between groups or international arbitration) can take the shape of imagining that the procedure, for which the objective is a certain form of justice (although sometimes unfavourable to our interests) can at some point protect us against injustice. Therefore, its acceptance shall be beneficial in the long-term, especially in that it can bring about stabilisation which is generally advantageous for all. Practice shows, however, that the strong, who think they will always be able to gain priority in a face-to-face encounter, never approve of arbitration procedures of any kind, with the exception of those which can secure their advantage and possibly safe-guard their interests. Therefore, the most general conclusion we can make here is that no legal (administrative, material, police) instruments can guarantee the just settlement of matters if they are not accompanied by the will to implement justice in social relations shaped with the help of these instruments. The will to implement justice must always be the will to overcome one's particular interests, and the will to envision everybody's needs.

It may be worth referring here to the ancient philosophical argument concerning moral issues. In that argument, we tend to assume that social justice cannot be fully justified by egoistic interests. It can happen sometimes that, by coincidence, an instance of making a morally good decision is rewarded by the international community, for which such a decision is of considerable relevance (for instance, in a situation where there is a risk of aggravation in a certain conflict). In most cases, however, every morally good

decision is risky for anyone making it. In particular, the egoism of ethnic groups never constitutes an argument for morally good and unselfish actions or attitudes towards „ethnic aliens”. Such aliens can be considered an advantage at some point, but in the long run they are always nothing more than competitors for the limited resources on Earth. For each nation the most advantageous would be a situation in which it could rule over the whole world - alone. Any altruism, any kind-heartedness, in relation to aliens is an instance of undermining the interests of one's own nation.

Earlier in this text we mentioned the issue of signs in two languages in areas inhabited by various ethnic groups. These signs in the language of the minority consolidate it and, in a sense, make it stronger. Such a stronger minority may wish to secede and, by doing so, decrease the possessions which were regarded by the majority as their own. Therefore, the majority tolerating an ethnic minority undertakes a certain risk which may affect its own interests. In that sense, each morally good decision is always a kind of risk for individual or group interests considered to be one's own. Proper education of societies for good co-existence cannot be based on egoism. Instead, it has to rely on the conscious acceptance of that risk, no matter how big or small. The implementation of spiritual values always involves a risk of losing the vital values of an individual or his (her) successors. Moral good is never vitally safe. Human life is a challenge for serious choices.

We can assume that the practical outcome of the above analysis is the postulate to educate societies so that they are able to take into account not only their own well-being, but also the well-being of others. Exercising an educating influence is the task of the media. The evaluation of their performance leads to conclusions similar to those formulated in the case of arbitration instruments. The shaping of public opinion progresses towards just relations when those responsible for it are earnest about the idea of moral good. If they (journalists, preachers, teachers) take sides and are sensitive only to the needs of one particular group, their actions will not contribute anything to the implementation of the idea of justice in the community subject to their influence.