

OLD AND NEW FAMILY POLICIES The perspective of relational sociology

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If we analyse the fundamental principles that inspire family policy inherited from the 20th century, we can pinpoint three broad “ideal-typical” orientations: the “lib” policy, the “lab” policy and the “corporate” policy. The author believes that the lib/lab solutions do not meet the need to attribute an appropriate role to the family in society, most of all because they don’t recognize the family as a social subject having a proper societal role and an associated complex of rights/duties.

Family policy needs a referent, that is, *the family*, defined in relational terms. It cannot be effective and just if policy doesn’t confer a social and juridical status of subject to the family. The author proposes a new approach to family policy: a relational approach. The relational approach is based on two fundamental pillars: 1) the adoption of a principle of *complex subsidiarity* in the governance of family policies, and 2) the recognition of the *complex citizenship* (political and civil) of the family, coherent with this principle.

The problem: what are the principles that inspire family policy today? Crises and new orientations

What are the principles inspiring family policy today?

The most immediate and obvious answer is that many principles exist. There are numerous schema and practical models that vary greatly from country to country, according to the prevailing ideology and the specific geo-political-cultural context. From this diversity can one try to synthesize the major types in order to analyse their characteristics, their convergences/divergences, the concrete effects they have produced and their emergent orientations?

The aim of this paper is to outline ideal types of family policy, pointing out critical points where they fail or turn out to be seriously problematic, and thus to determine, if possible, alternative principles for the orientation of future actions. I will proceed in the following way.

First of all, I would suggest classifying the existing models of family policy, as inherited from the 20th century, according to their main characteristics and practical outcomes. An analysis will show us that all these models have serious shortcomings. As a matter of fact, nowadays, all welfare systems are trying to reformulate family policies. But it must be noted that, to a large extent, the principles governing the ongoing reforms stem from the same premises that rendered preceding models problematic and nonviable. Therefore, we are forced to rethink family policy within a new framework (§ 2).

How should family policy be redefined? Although there are many difficulties regarding this, I will consider the three dilemmas I feel are most crucial. The first dilemma is as follows: Should family policy be *undifferentiated* (i. e. with regards to all primary relationships to which we attribute a family valence)? Or rather should it be *qualified* as specific and different from other social policies? In other words, the question is one of whether forms of the family should be differentiated on the base of certain criteria of needs, merits, and values (i. e. differentiation vs. generalization of family policy). The second dilemma concerns the definition of what we mean by *family* in order to assess the corresponding rights and duties of those who comprise it (i. e. definition of the family vs. other primary relationships that do not share the family quality). The third dilemma deals with the problem of the possibility and appropriateness of recognizing the family as a social and juridical “subject”. Here we must deal with questions of rights of the family vs. rights of other subjects, individual or collective (§ 3).

Resolving these three dilemmas means determining new guidelines for family policy. In this context, a new “relational” model is proposed. It begins from the observation that the theoretical and practical answers to the dilemmas outlined above depend on the logic with which the rights of the family, and the interventions of family policy are conceived. The relational model proposes that there are three dilemmas to be resolved according to a “relational logic”. This logic itself is based on four key concepts: 1) human rights in relation to the family, 2) solidarity in associative networks of families, 3) a complex citizenship of the family, and 4) a use of tools that increase, rather than decrease, the social capital of the family. On the whole, these principles delineate a relational policy, a form of social governance based on a principle of complex subsidiarity. This relational policy is clearly distinguished from the policies of relief and assistance typical of “lib”, “lab” and “corporate”-type solutions (§ 4). In conclusion, this presentation aims to outline a coherent and viable picture of new principles for family policy — able to promote a society that is family-friendly, rather than family-destructive. This means a society where, first and foremost, the family can propagate itself as family with policies that are not simply geared to promote the production of other things (§ 5).

The models of family policy inherited from the 20th century: their characteristics and results

Three models

As is known, there exists a plurality of highly varied welfare regimes.¹ The most widespread classification is probably that which distinguishes regimes of *liberal* welfare typical of the Anglo-Saxon countries, the regimes of *socialist* welfare typical of the Scandinavian countries, the regimes of *conservative or corporate* welfare typical of the countries of central Europe, and regimes of the so-called “familistic welfare” in the Mediterranean countries (Esping-Andersen, 1990).

This classification, arrived at from a strongly ideological perspective, appears empirically questionable for several critical reasons. First, it is clearly an

ethnocentric classification, because it judges the various types of welfare from the point of view of the so-called Scandinavian model, which is considered the best. Second, it contains a negative ideological vision of the family and adopts an individualistic philosophy. Third, it does not grasp the far more complex empirical variety of the models (Arts and Gelissen, 2002).

From the sociological point of view, it is preferable to follow an approach that lends more objectivity to analysis and comparisons. I propose to delineate some ideal-type models and I shall pinpoint three of them: *lib*, *corporate*, *lab*. In a brief synthesis, we shall get to know what they entail (their make-up and how they operate), in line with their original characteristics (table 1).

- i) **Lib model.** The fundamental principle inspiring the lib model is one of individual liberty and the protection of privacy. The family, considered as a referent of such policies, is essentially defined as a contractual institution between individuals (Becker, 1991). The American jurist Carl Anderson characterises this family model as a joint venture undertaken by private individuals.² The regulatory criterion for family policy is entrusted to the market. Both the family and the social policies are considered to be expressions of individual preferences and tastes. In other words they are choices governed by the fundamental institutions of the market and thus by private ownership and contracts.³
- ii) **Corporate model.** The fundamental principle of the corporate model is that of a collective solidarity realized primarily with reference to occupation of its members and in general to each individual's participation in the labour market. The family, as a referent of social policy, is defined as a social institution based on complementarity between genders and on subsidiarity among generations (Badel *et al.*, 2003). Social policy is understood as social security (i. e. guaranteeing a minimum income and the monetary backing to face the challenges of life). Family policy is conceived and mainly organized to underwrite the costs of the family expenses in relation to social status and specifically to family members' participation in the labour market. The model is termed corporate for several interrelated reasons. First of all, in the corporate model the idea of the family is shared by the members of a

1 There are numerous theoretical and empirical classifications of welfare regimes and family policies that correspond to this. There exists also National Reports on family policies in many countries. Other classifications can be made on the basis of the legal systems, or still in base of various "Charters of Family Rights." It is not possible here to synthesize the vast literature on this. I shall refer you principally to: Bradshaw *et al.* (1994); Castles (2003); Cheal (1991); Cherlin (1988); Commaille and de Singly (1997); Donzelot (1977); Dumon (1994); Gauthier (1996); Hantrais and Letablier (1994); Jurado Guerrero and Naldini (1997); Trnka (1999); Zimmerman (2003).

2 For a critical view on this see Anderson (1999).

3 As B. J. Nelson (1985: 351) noticed two decades ago: "In the mythology of American politics, the family is not a political topic. The liberal roots of American political thought, the legacy of republican individualism and the Victorian ideal of separate spheres combine to keep the traditional image of the family antithetical to politics: the family is safe, gentle, and non-conflictual in contrast to the uncertain, rough, and competitive civic realm. According to this logic, families are construed to be private, and hence there is no family policy."

Table 1 The three ideal-type models of family policies in the 1900's

Models of family and welfare policies	Fundamental characteristic principle	Definition of family	Mode of operation (the fundamental regulatory criterion of family policies)
Lib (liberal)	Freedom and protection of privacy	The family as a contractual institution between individuals	Market (the family is regulated by the laws of the market)
Corporate (categorical)	Collective solidarity (according to work categories)	The family as a social institution based on complementarities between genders and on subsidiarity between generations	Social security systems (designed to sustain the worker's family in respect to his/her status in the labour market)
Lab (socialist)	Equality	The family as a ménage (household)	Political command of resources in order to support the family responsibilities of individuals (politics over/against markets)

collectivity. There is a commonality of values. Second, family policy has to do with specific social categories to which specific rights and duties are attributed. Entitlements come through affiliation. Third, the family is understood as a corporate body, i. e., as a union of single individuals in a subject that represents them. There is some recognition of family bonds.

- iii) Lab model — The fundamental principle inspiring the lab model is social equality. The family, in so far as it is a referent of social policy, corresponds to the ménage or household (domestic aggregate) or the anagraphical family (the family on the birth registry). The tendency is to make married and non-married couples equal in that which pertains to rights, duties, and benefits.⁴ Social policy is conceived of as a support to individuals in their familial responsibilities and operates essentially through political command of resources, rather than through markets. The main idea is to decommodify social relations (decommodification) including that of the family. In this sense family relations would be freed from all connotations of economic interest so as to highlight solely their affective dimensions.

Results and overall evaluation of the three models

To summarise the successes and the failures of the three models, we can affirm the following (table 2):

4 The case of Norway is emblematic and indicative of the tendencies in all Scandinavian countries (Eriksen, 2001).

Table 2 An outline of success/failure of the three models of family policies

Models of family and welfare policies	Positive aspects (successes)	Negative aspects (failures)	Overall valuation
Lib (liberal)	Freedom of choice for the family	Individualism and fragmentation of the social fabric	The family becomes an utility/dis-utility for the individuals
Corporate (categorical)	Public support of family solidarity	Lack of equity between genders and among generations (deficit of equal opportunities)	The family becomes a support to the state (subsidiarity in reverse)
Lab (socialist)	Equity and redistribution for the more disadvantaged	Poverty traps and loss of social bonds	The family becomes a purely affective aggregate of individuals

- i) Lib model — The positive aspects of the lib model are to be seen in the freedom of choice granted to individuals in the constitution and management of families. The negative aspects are the individualism and the fragmentation of the social fabric consequently produced. Making a general evaluation of this, we can say that in such a culture, the family becomes a utility / dis-utility for the individuals who comprise it.
- ii) Corporate model — The positive aspects of the corporate model are found in the public support that is given to family solidarity. Its negative aspects lie in the lack of equity between genders and among generations. There is a deficit of equal opportunity. The overall evaluation here is that the family is treated in this culture as a kind of institutional arrangement in order to assist the state in the management of society. Subsidiarity here means that the state delegates many welfare functions to the family as a social institution.
- iii) Lab model — The lab model has its positive aspects in the redistribution of the resources realized in favour of those in more disadvantaged situations. The negative aspects are found in the resulting poverty traps and the loss of social bonds. The overall evaluation we can make here is that, in this culture, the family becomes a purely affective aggregate of individuals who remain together on the basis of accidental or casual factors.

In all three instances, family policies are troubled and burdened, and their objectives become more and more problematic. One can only choose between a family referent increasingly limited to a minority segment of the society (corporate model) or families conceived as an indistinct aggregate of random needs and individuals (lib and lab models). In each case, it seems one has to give-up the claim to a family policy of a universal nature.

In this way family policies can become something altogether different. Instead, they become policies of support for undifferentiated care-oriented relations. They become policies geared towards offering equal life opportunities for

each individual regardless of their relationships of gender and generation. This has the effect of rendering family ties a matter of indifference (they make no difference, are not relevant), in so far as it is assumed that family ties are, in principle, negative and discriminatory in relation to the equality of opportunities between individuals. The internal relationship between the couple is largely abandoned. It becomes a relation of varying quality within an ideology of equal opportunities. At the same time the relationship between parents and children is made more and more binding and an object of increasing controls. These measures cause family relationships to become more and more anomic. Society no longer expects from the family the educative and socializing capacities that it, in abstract, nonetheless continues to be entrusted to the families (Luhmann, 1997). The family is no longer conceived as the nursery of trust and of sociality. Rather, the contrary is expected.

The crisis of family policies and the search for new orienting principles

Family policies are in crisis for a series of reasons:

- a) Above all, they maintain a marked assistential character. Benefits are given to individuals in order to relieve some of the burden of their familial obligations. This goes hand in hand with substituting family roles for services of the outside collectivity, the increasingly *public nature of familial functions*. This is a logical outcome when support for the responsibilities of the family is given in a way that substitutes family roles for external collective services, which lack a family-friendly attitude. The fact of entrusting many familial roles to extra-familial services leads to an overburdened welfare state, which can no longer fulfil expectations in this area.
- b) There is a strong tendency towards making family policies coincide with matri-focal policies centred on the woman and on the mother-child relationship (this choice is explicit in an increasing number of countries such as France, Scandinavian countries and the European Union in general). The consequence is a loss of the masculine role and the weakening of the exchange between generations.
- c) Many policies privatise values and family behaviours, in the sense that they motivate individuals towards considering family relationships to be entirely a matter of taste, choice, and private preference (one hears of *families-of-choice*).
- d) Family policies lose the explicit character of an instrument which would sustain family bonds. They concentrate on the needs of the single individual throughout his/her life cycle. Here, the preference is to speak of policies for infancy, youth, the aged, instead of policies for sons/daughters, parents, and grandparents. Most recently, however, there are signs of a reversal of this trend.
- e) Family policies lose their specificity and become indirect. In this sense they refer to generic needs of daily life (basic income, health, education, accommodation, job, etc.) of individuals. To a large extent, family policies are turned

into policies against poverty and against social exclusion, even if, as I shall elaborate later on, many are starting to notice the errors of this reduction.

On the whole, current family policies individualize individuals and forget about the primary social capital inherent to the family (Donati, 2003b). In this way they produce more disintegration than social integration.

In response to such policy outcomes there is a need to move on to new orienting principles:

- a) The collectivization or increasingly public nature of functions should give way to a well understood principle of subsidiarity according to which larger social formations ought not substitute for smaller ones but rather support them in their autonomy, laying down rules and supplying necessary means so that they themselves can carry out their specific duties. The attitude and the praxis of the state toward the family should abandon the idea of making the family ever more passive. This does not mean offering fewer services. Indeed, the family needs more services. The difference lies in the fact that families should be in a position to decide: to choose the services they require and to be able to influence the way they are organised. In general, there is the felt need that the state should not absorb the functions of the intermediary social formations. Rather, it should help them through or by means of further associative forms, such as associations of families, to manage themselves the services that they need. One thinks of family counselling services, day care centres, care for children and the elderly, domiciliary services, etc.
- b) Matrifocal policies, focused on women and on the mother-child dyad, should be reoriented towards policies centred on the family nucleus conceived of as a relational system of reciprocity between genders and generations, by means of aid that can act as an incentive for the presence of fathers.
- c) Privatisation of family values ought to give way to a process of inter-subjective relational valorisation of the goods that count in life. In their regulations, family policies should support styles of interventions and caring relationships which privilege dialogue and human contact, since in the family context personal rights do not have an individualistic but a relational character. One should note that what occurs in the family, and above all the way in which the family is socially defined and structured, cannot be a matter of indifference to the community. Each living community elaborates a culture of such relations of a civil (or less civil) character.
- d) Implicit policies should be replaced by explicit policies for family relations as such within a framework of intergenerational exchange. When intervening within a generation, it is necessary to consider its repercussions on other generations. A generation can be favoured or disadvantaged not only on the basis of measures taken directly in its regard, but also on the basis of the effects that measures taken with respect to that generation (for instance, the elderly) would have on other generations (young people for example). On a positive note, there is urgent need for a new "social pact" between the generations,

both within the family and in the collective sphere, that is, of work, of distribution and redistribution of resources, and above all, in that of relations of citizenship.

- e) Indirect policies should give way to policies directly oriented to the family nucleus in itself. One ought to speak in terms of “family work”, “the family home”, “services for the family”, “family income”, “family insurance”, and orient ad hoc operative measures in this direction (i.e., with reference to the family as a whole).

In sum: today there is a need for moving from social policies based on the family as a residual entity to social policies which pivot on the family as a social subject.

To make this transition, the family needs to be seen as an “other” reality in respect to the actors traditionally conceived of in social policies (the state, the market, and the third sector). It should not be seen as the *alter ego* of the latter — that is, made in the image and likeness of the state, the market, etc.

The so-called corporate model (developed from Bismarck’s model) takes into account the otherness of the family with regard to what constitutes the origin and uniqueness of family relations. Nevertheless, it ends up subordinating the family to the power of the state, which is conceived as the summit and the centre of society.

The search for new social policies is particularly evident in the so-called “third ways” that look for progressive models, able to combine liberal and communitarian elements.⁵

Some of these “ways” — the so-called community ones — recognize the family as a collective subject of rights. For instance, Pérez Adán (2001: 137) believes that a progressive democratic policy would consist in recognizing the family as an intermediary social group on which a specific “sovereignty” should be conferred. (The term, as is known, appears in the social doctrine of the Catholic Church.) He proposes elaborating a new definition of the family as a communitarian entity. In general, this orientation is shared by the so-called neo-communitarian theories (existing in many varieties). The problem of neo-communitarianism is it affirms its own manner of conceptualising the family rather than justifying it in relational terms. It runs the risk of being an idealistic position, with little practicability on the level of actual policies. From the relational point of view, in fact, the family is certainly a relationship based on the unconditional consent of love. In this way it is a community. But such a relationship also is expressed in a contract, in a certain hierarchy in the relations of descent and in the norms of reciprocity that govern the broader network of relatives. “Family sovereignty” is itself a concept that must be translated into terms of

5 The term “third way” is an expression often used in the past to indicate (in an improper manner) the social doctrine of the Catholic Church. More recently, it has been adopted by Anthony Giddens (1998) to designate a societal configuration based on a combination of liberalism and social democracy. Other people use the same term to refer to other different ideas of society (for instance, the “communitarian way” envisaged by Amitai Etzioni: see Pérez Adán, 2001). Consequently, the term has come to be very confusing.

autonomy,⁶ which in a systemic sense means freedom of choice of the environment on which to depend.

Other “third ways” give up on the idea of a public recognition of the family as a social subject prefer to speak of family policies that combine individual freedom with public control and that render individuals socially responsible. For this reason, I classified them under the *lib/lab* formula.

Among the latter, the position of David M. Anderson (2001) merits attention. This author considers it is necessary to move on to policies that are strongly subsidiary in the sense of creating a social environment capable of sustaining/supporting the initiatives of local communities and families. In a special way, he affirms, “we (the new democrats) can no longer afford to take a ‘neutral’ stance on family structure.” He calls for a policy that makes the family stronger and surer and holds that “the best model of the functioning family (is) the intact two-parent family” (*ibid*: 110). He proposes a law that develops family unity (*Family Unit Act*, FUA). The proposal is interesting, and it forms part of what I have defined as “new orientations”.

Nevertheless, it must be observed that, practically speaking, there is nothing new here with respect to the philosophy of modernity. The objectives that Anderson pinpoints as “family policy” are in fact the following: reducing tax for working parents, assisting the efforts of the community towards reducing teenage pregnancies, putting first and above all else the interests of the child in the case of divorce of the parents; conceding paid parental leave; granting tax credits for parents (especially mothers) who choose to remain home; supporting early childhood services in a substantial way for the less well-to-do social classes. The family is supported, not as a subject creating social capital, but as a burden, as a poverty risk. Additionally, since he believes that the FUA has to respect all diversities, he believes that the law should also recognize homosexual couples as families (FUA “must also support gay and lesbian families”). There is again the risk that, in these types of proposals, family relations are neutralized from the point of view of sexual differentiation and inter-generational reciprocity.

We can find myriad other theorists representing very similar positions, amongst whom is the most well known exponent of the Third Way, i.e., Anthony Giddens. Some of the intentions of strengthening the family as expressed in this “way” have some significance. Whether it is a matter of “affluent liberalism” (as Anderson maintains, while seeking to draw the USA closer to Europe) or of a “reformed social democracy” (as advocated by Giddens), in both cases the basic idea is to balance individual rights with greater social responsibility. This does not suffice however in identifying family policy as such, especially if the concept of the

6 The word “autonomy” seems to be ambiguous to many scholars, and in fact it often implies a semantic loop, due to the different meanings it has in Italian and English. In Italian autonomy means, according to its Greek root, auto-nomos, the ability to give oneself norms. It is not equivalent to independence, which would imply (according to its Latin root) complete separateness and therefore no need for exchange, no need for communication or similar concepts. In fact, in the way I use it, autonomy is compatible with (and in fact relates to) inter-dependence.

family is expressed in terms of a “pure relation” (as Giddens defines it). I do not believe that this “way” can meet the challenges that we have in front of us. On the basis of the lib/lab principles, it does not appear possible to me to formulate a family policy able to satisfy the demands of the new orientations. As I have argued elsewhere, the lib/lab positions lack an outlook suitable to the *sui generis* relational nature proper to the family (Donati, 2003a).

How to redefine family policy? Three dilemmas

The context and the three dilemmas

Scholars observe — and rightly so — that the family is an ambivalent reality. The family is simultaneously the basis of society and the root of its problems. On such grounds they speak of the value of the family as a contradiction intrinsic to society and to social policies (Hardy, 1981). This view has many arguments in its favour. But the same researchers miss the fact that the contradictions characteristics social policies do not derive only from the ambivalence of the family, but also from their intrinsic way of operating. Actually, while many social policies try to include the family in the social system, they end up contributing to its distinguishing to its disintegration. How can one get out of this vicious circle?

Most reflections on family policy maintain that there is no way out. Experts underline the fact that in societies undergoing globalization, the family lives in a climate of uncertainty, loss of boundaries, disorientation, fragmentation, and new reticulations. They notice that every undertaking aimed at favouring stable and socially integrated family relationships is destined to fail.

It seems that the more one tries to grasp the family and to define the family through policy, the more the family escapes and family policy implodes. As I have written in a 1989 Report, in this trial, the family becomes more and more itself ‘utopianic (self-reproducing as a system based on self-referentiality or operational closure), i.e. a *norm to itself*. The family can be produced only by the family and family policy can be of assistance to the family only through the family.

This general crisis in current family policy can be understood on the basis of certain background dilemmas that society of today has to face. These dilemmas can be highlighted by three questions: (i) in order to be effective, should family policies generalize the concept of the family or do they have to differentiate it (in other words, distinguish what constitutes family from non-families?); (ii) in the one or in the other case, how should the “referent” of family policy be defined?; (iii) what social and juridical recognition should be given such a referent?

Let us now make an in-depth examination of these dilemmas.

Generalization vs. differentiation of the family policy

Between the end of the nineteenth and early twentieth century, family policies have appeared with a specific function: to sustain the duties of the families by measures in

cash and services in kind.⁷ They had a precise referent: the married couple with children in which there was generally only one working member (the so-called model of the one-breadwinner family). But then things changed in two main directions.

On the one hand, family policy has broadened to include a large series of welfare measures that, notwithstanding their nominal reference to the family, have different purposes. These are demographic policies, policies against poverty, policies against social exclusion, infant policies, gender policies, policies for the elderly, policies for the handicapped, and so on. A great confusion is thus generated. Some think that family policy is a kind of sum of all these policies. But such is an illusion. Every policy has its purposes, means, norms, values, and cannot be contained by nor fully integrated with the others. It is necessary instead to see how each single policy is specialized and eventually coordinated with the others. In this game, there is no doubt that the policy that has become the most residual is precisely that which is centred on family relations. But, without this overall focus for family policy, other policies risk failure.

On the other hand, the referent — the family — has changed. Literature on the changes within the family is enormous. I will confine myself to enumerating the principal causes of such changes: the growing participation of women in the job market (the dual-career family), affirmation of the ideology of individual rights of citizens in terms of equality of opportunities (the egalitarian family), and processes of emancipation of minors (the democratic family).

It is evident that a complex interaction exists between social policy interventions within the family, on the one hand, and the changes in the referent-family on the other (Donati, 2003a). But the question is whether or not, in the present situation, we have to generalize family policy, in the sense of broadening it to include whatever measures on the family even if these are only indirect or implicit effects. Or do we have to introduce new distinctions that differentiate family policies from other social policies?

There is no doubt that the lab solution is in favour of generalization. The lib solution also tends towards generalization, but with more restrictive and selective criteria. The third solution — the corporate — is the only one that tries to maintain specificity with regard to family policy, but in choosing between generalization and differentiation it is on the defensive and comes up against ever increasing difficulties. This can be noted in those countries that, like France and Germany, approve social policies directed at forms of primary relationships (cohabitations, concubinage, homosexual unions) that are formally distinguished from the family, but, as a matter of fact, are considered to be part of family policy (Prandini, 2001).

A situation of non-differentiation is thus produced in which the state pronounces itself neutral with regard to family forms. This means that the state gives up pursuing specific policies. Rather, it generalises its interventions to all the forms

7 Measures *in cash* refer to forms of supplementing income (like family allowances and other allowances for maternity, child care, etc.) and the interventions *in kind* refer to more or less non-monetary services like education for the children, sanitary services, personal services, etc.

of primary relationships. The family is spread out across so many different measures. Summing this up, one comes to the realisation that the family may not exist any more. Another reality may have been born — an often indefinite network of relationships characterized by the most varied bonds (children of various parents, couples reconstituted after various marriages that maintain family relationships with an indefinite number of relatives).

Can social policies do without a definition of family? From the sociological point of view, the answer seems to be negative, both in fact and from the normative point of view. There is an increasing need to make a distinction between general social policies (generically addressed at the population) and specialized policies (explicit, direct, and cohesive) towards the family.

Once these distinctions are identified, the following question arises. What is the family? Or rather, to which family is one referring?

The dilemma of defining the family and its related rights-duties

There exist many definitions of family: anagraphic (from official records), statistical, legal, social, cultural, psychological, and religious, among others. These definitions are not necessarily contradictory, because most of the time they reflect the requirements of a different practical point of view. Each has its legitimacy. From the standpoint of social policy the problem begins when we must identify the rights/duties of the family.

There exists a correlation and continuous interaction between the definition of the family and the set of rights/duties that belong to it. If we define the family in a certain way, this definition implies a specific set of rights-duties. If we begin with tangible rights-duties these likewise entail a consequent definition of family.

With the goal of constructing a “family-friendly” human society, can a solely operational solution suffice? Most scholars find solace in pragmatic solutions. But it is evident that this path generates more problems than it solves. No measure of social policy can be effective, in terms of family integration, if the definition of family has a purely subjective character (that is, if it is only self-attested). Family policy must have some institutional character, that is, when the family-type is recognised as legitimate by society.

The proposal to generalise the concept of family in fact fails when one attempts to distinguish between the rights of the family and “other rights,” such as the rights of individuals or entities different from family relations. The augmentation of individual rights does not necessarily produce more family.

Thus the idea, which has been held dear to the modern world,⁸ that the process of evolution may be rendered progressive through the generalization of concepts. It generalises the concept of the family to include all forms, with the traditional family classified as a more specialised sub-type. This is not a correct evolutionary solution

8 The most explicit and complex theorization of this idea is found in T. Parsons (1977).

simply because it does not lead to the generation/propagation of families, but to other outcomes. To place the family in competition with other forms of primary relations (co-habitation or free unions, neutral with regard to gender combination, and without institutionally-defined intergenerational pacts) has only non-family consequences (Donati, 2001). It reduces the family to mere communicative entities (Luhmann, 1982). The evolutionary solution of system theory (as articulated by Parsons and reformulated in his own way by Luhmann) seems to be gaining ground today. But, to my mind, its success simultaneously means its withering away, since this evolutionary viewpoint refers to mechanisms operating within the specific cultural context and the limited logic of modernity which are bound to become self-defeating in a globalizing world.

The family, as a referent of social policies, must be redefined in terms of (a) a sharing of values, (b) an entitlement to societal membership, and (c) an acknowledgement of bonds the society seeks to valorise.⁹

The growth of subjective rights (Luhmann, 1981) and the recognition of new relations (mutual and contractual, of couples, filiations, and co-habitations of various types) must be made compatible with the pre-eminent function that the family has in generating *relationships of full reciprocity between the sexes and generations*. We must recognise that the family is not in any way comparable to a simple primary relationship, like groups of friends. It requires institutional recognition *sui generis*. This takes into account the fact that both with respect to the codifications of positive law and from a sociological point of view, it has a "transcendent" nature (Bahr and Slaugh Bahr, 1996).

I would go even further. In principle, it is much more problematic to pursue an effective social policy when families and other primary relations (such as free unions and living arrangements) are treated on an equal (i. e. uniform) basis rather than on a differentiated basis. Social policies become much more successful when they distinguish between the family as a social institution and the other primary relations, treating the latter on the basis of civil rights pertaining to free relations. In this way we achieve equity through difference.

The dilemma of the family's social and legal subjectivity

Does the family have its own "subjectivity"? What does "family subjectivity" mean?

From the sociological point of view, the family is a social subject in as much as it is a communitarian relationship, a relational good, a subject of relational contracts and rights, a sphere of societal functions, a holder of its own citizenship (Donati, 2000), and a *sui generis* link between liberty and responsibility. Let us briefly examine these concepts.

9 "To valorize" here means to give a positive value to something according to a criterion which is to be specified in a specific context in terms of the proper guiding distinction internal to a specific relationship: e.g., to valorise the family means to give a positive value to its guiding distinction, which is the realisation of reciprocity between genders and between generations.

- a) The family is a communitarian relationship of full reciprocity between the sexes and generations insofar as it includes the contract (between spouses and generations) but goes beyond it. The family presupposes pre-contractual relationships and is the bearer of meta-contractual goals.
- b) The family is a “relational good”¹⁰ inasmuch as it may only be generated and enjoyed together by those that compose it. It consists of relationships, not of individual goods — and not even a sum of individual goods.
- c) The family is a referent for relational rights-duties in that, within it, the rights and duties ought to be relationally configured.
- d) The family is a sphere of societal functions, however these functions are understood, in the sense that whatever happens within it and whatever it does influences every other form of social relations.
- e) The family has its own citizenship (family citizenship) in that the family is a “social person”, a holder of a complex of social rights that go beyond individual rights.
- f) The family constitutes a peculiar nexus between freedom of choice and responsibility for the consequences of actions accomplished. This nexus can be found either involving particular family members among themselves, or involving societal functions of the family as a social relationship. Liberty and responsibility thus refer to the family relationship, not just to its component individuals.

There is no doubt that today’s society manifests a persistent ambivalence with regard to all of these characteristics. Although they are sought after, at same time they are challenged.¹¹

Nevertheless, it is possible that these characteristics may enable us to identify the “social subjectivity” of the family, thus going beyond the tendency to define the family as something “accidental.” One must realize that it is not possible to follow a coherent and effective policy when the family is depicted as merely a self-attesting occurrence resulting from accidental, individual decisions. In this sense, it is said that people may define the family as they please, or that anyone may become part of the family — whatever relationships are put into place — provided that they are felt to be “family”. In practice, accepting the concept of the family as a social subject may assist social policies in resisting the anomic pluralisation of so-called family-forms, which obstruct and alienate the meaning of civility that the family contains. The Frankfurt school during the 1930s has clearly taught us this.

Due to difficulties that the political-administrative system has in observing its “environment”, in a systemic sense, the subjectivity harboured in the family is increasingly less “seen” (and less and less “understood”) by politicians and governing bodies. Rather, it is increasingly recognised, in a reflexive sense, by those

10 Here it is not possible to discuss at length the theory of relational goods, which I have addressed in many other papers (for further reference see Donati, 2003a).

11 This ambivalence is evident, for instance, in the Italian system of social security: see Paola Bozao (2001).

spheres of civil society that have the family as their own constituent subject. Nevertheless, on the whole, even civil society finds it difficult to depict the family. It also finds difficulty recognising the effect of its own actions with and upon families.

From a practical standpoint, whether or not the family may be considered to be a social subject and in what types and to what degree it may be thus considered, may be understood in social policies by observing how particular programs are explicitly or implicitly designed or how the actors involved directly or indirectly carry out these policies.

From a legal standpoint, the number and nature of the difficulties involved in coming to a concept of family as a subject with its own legal characteristics are well-known. Jurists love to repeat that law simply regulates the social relationships already in process. In the case of the family, this affirmation is rather ambiguous, because it is partly true and partly false for at least two reasons. The first reason is that the law scarcely recognises the social functions undertaken by the family. Indeed it removes them, since it sees (and deals with) individuals, rather than what are properly societal goals or relational goods. The second is that the law not only regulates the relationships already in process, but creates new bonds or renders them possible by way of choices that were not previously available.

For a definition of family subjectivity from the legal point of view it may help to consider three things. First is the concept of family as a “natural right”.¹² Second is the concept of the rights belonging to original “forms of life”.¹³ Third is the judicial fact that there exists a joint responsibility *of the* family and not only a responsibility of the individuals *in the* family.

The challenges of a planetary multicultural and multiethnic society

This perspective becomes still more pressing when one is confronted with the challenges of globalization and the onset of a planetary multicultural and multiethnic society. There are several choices in the field today. On the one hand, as part of liberal tolerance one may accept all possible family forms, just as one accepts simple diversity. On the other hand, is the concern that supporting a certain family model may seem to justify cultural clashes. Personally, I believe that it is possible to avoid these alternatives through a vision of the family as a social subject. When, concordant with cultural diversity, this subjectivity is seen within the family’s sociological situation, that is as a relation of full reciprocity between genders and generations, this subject has irreplaceable social functions.

Europe is still uncertain about following this path. The so-called “European social model” is largely conceived according to the *lib/lab* approach. The first draft

12 For example, Ronald Dworkin (1977: 174-177) sustains that a just society may not be founded on contract only, but requires a theory of natural rights (see the comments in Wolgast, 1987: 23). E. Wolgast (1987: 21-32), Viola and Zaccaria (2003) have put forth similar arguments.

13 The concept of the “life forms” is addressed by L. Wittgenstein and introduced in the “grammar of the rights” by E. Wolgast (1987).

of the EU's Constitutional Treaty, prepared and not approved in the year 2003, acknowledges a declaration of the fundamental rights of European citizens, the Charter of Nice. The draft is an example of a refusal to recognise the family's social functions. In this document, the family has no citizenship, it is considered as a synonym of *privacy* and is depicted as an "empty box" regarding its tangible relationships.¹⁴ Europe, after having initiated an interest in family policies (EEC, 1989), has since retreated from these initial steps. With the 21st century, it seems to have embraced a sort of institutionalised individualism, leaving little room for the family's societal functions. While it perhaps hopes to be able to avoid cultural conflicts,¹⁵ it will not be able to enact any family policies. In the illuminist vision of new Europe, the family is basically considered as a sort of "protected natural species", equivalent to rare animals and plants, to live in "reserves" like the aborigines, because there is no place for them here in society's "rational framework."¹⁶

Is it possible to recognise a social and legal subjectivity of the family? Certainly it is not possible in either the *lib* or *lab* models, or even in a *lib/lab* mix. These models are all individualistic and contractual (Glendon, 1989, 1991). To recognise domestic subjectivity we must adopt another perspective: we must see the natural rights of persons and their social development as *relational rights*.

This change of viewpoint cannot occur within a functionalist philosophy, predicated upon a compromise between the state and the market. Rather, the functionalistic perspective that for two centuries considered the family as a sphere delegated by the society to carry out certain functions must be abandoned. The *apogée* of this theory can be found in T. Parsons (1977: 342), who defines the family as a "fiduciary complex" in the sense of being the fiduciary generator for other societal institutions in order to help raise the youth and stabilise adult personalities. As a matter of fact, the family is not an institution that exists and operates as an appointee of society, because it is a *sui generis* reality with a subjectivity of its own and it should be understood as such. Otherwise, it would be impossible to understand how and why the family is a producer of social capital. The initial example may help our understanding. This is the observation that those who marry give rise to a relationship of trust and cooperation, based on reciprocity, and this creates social capital for themselves and for the community around them. On this basis, this relationship (= family) may claim the right to be recognised as a social and legal and referential subject accountable for its freedom and autonomy. In the absence of this perspective, any discussion of subsidiarity would hardly make sense.

14 For more details see my analysis in Donati (2003c).

15 Several jurists justify thus, the fact that the European Union cannot fully recognise the family as a social reference subject in social policies. Largely, these jurists still reason entirely from the viewpoint of the *lib/lab* model (for an emblematic example, see Cananzi, 2003).

16 Such a view has been foreseen to some extent by J. Coleman (1993).

A new logic of distinctions

There is a new logic that unites the various proposals to resolve and redefine family policies that I have put forward here. This logic is relational in as much as it examines relationships and differentiates them according to their qualities. This logic claims that:

- the problem of passing from indirect to direct policies may be better resolved through policies which respond differently in relation to the different positions of people in their family relationships, even in the realm of the most general social policies of universal character;
- the problem of passing from implicit to explicit policies may be better resolved through the definition of the family as a specific referent;
- the problem of passing from policies which produce a fragmentation of the social fabric to those that promote social cohesion may be better resolved by defining the rights *of the family* as such (family citizenship).

These operations of differentiation do not imply discrimination, because at the same time they specify their object and generalise the extent to which this object may be shared by various *stakeholders*. In fact, while they indicate some specificity, that is, a specific family policy, a legitimate form of family and a system of rights-duties, which are inherent to family citizenship, at the same time they give rise to the possibility of diversity, that is, a diversity which specifies the “other” social policies, the “other” primary relationships and rights-duties that pertain to these “other” forms. We are thus in a position to discern what unites and what distinguishes social policies when, in dealing with the different forms of primary relationships, the well-being of the family is at stake.

Prospects of a new relational model*A relational vision*

An explicit, direct, and cohesive family policy may be “focused” on the family provided that the family is given a distinct definition and that this definition encompasses family subjectivity.

Family rights must be formulated considering the family both as a relational system in itself and as an institution recognised by other sub-systems and social institutions with which it enters into relations (the school system, the health system, the tax system, the welfare system, the social security system, etc.).

To make this possible, there must be a relational vision of society, conceived as a united set of spheres of justice held together by relationships that regulate it according to a principle of complex subsidiarity.

The relational model

With regard to family policies, the relational model is defined in the following way (see the synthesis in figure 1).

- I. *Criteria which distinguish family policy.* A policy is defined as family-oriented if it is oriented according to a guiding distinction between the family well-being and the non-family well-being. In order that this definition is not ambiguous, the reference to the family must be expressed in its social subjectivity, and thus family policies are those which recognise this subjectivity.
- II. *Definition of family.* With regards to social policy, the family is defined as a relationship of full reciprocity between the sexes and generations.
- III. *Complex citizenship of the family.* The family has a set of rights-duties that mediate the relationships between individuals and society, through conjugal and filial relationships. Family citizenship is *societal* inasmuch as it has a civil character, and is *political* inasmuch as it is acknowledged by the political-administrative system at different levels. The state is only one level. The citizenship is termed complex because it is both societal (civil) and political.
- IV. *The complex subsidiarity principle in social policies* — The relationships between the family and other societal sub-systems (state, market, and third sector institutions) must be regulated by the principle of mutual development of each person's specific tasks. Subsidiarity is complex because it not only defends, but also promotes, the family. It is not limited to defending the family from the interference of higher orders, but actively sustains it in its autonomy, empowers the family.

We must note a difference from other models of subsidiarity. Orientations already discussed (lib, lab, corporate) have a reduced vision of the subsidiarity principle for the following distinct reasons: (i) The lib model defines subsidiarity as freedom for the private spheres. For this model subsidiarity is privatisation. (ii) The corporate model defines subsidiarity as assistance from the state. Subsidiarity is then a form of de-centralisation from the summit and centre of society. (iii) The lab model defines it as a delegation or externalization of the social policies to organisms controlled by the state or in some way dependent on its regulations, such as in the allocation of welfare services to families. For the lab model subsidiarity is delegation. The lib/lab model combines in a certain way the first and third versions in a concept of subsidiarity as a provision of individual market opportunities under conditions of equality of access. This model entails some advantages. However it does not avoid the characteristic effects of lib and lab policies. These consist in detracting from the social relationships of persons, such as the family, because they focus on the individualization of rights.¹⁷

17 To my mind this is visible in the French experience as reported by Lanquetin and Letablier (2003).

The relational model considers these concepts as typically “welfarist” (in a residual manner as in lib, in an institutional manner as in lab, or in a selective manner as in the corporate model). In the place of such models, I propose *relational policies*, which are characterised by their development of intra-family relations as *primary* social capital that sustains society’s secondary social capital (extra-familial civic relationships, *civicness*) (Donati, 2003b). Subsidiarity is understood both as an internal and external regulation of the family. It is complex because it is both vertical and horizontal, in relationships respectively stratified (or hierarchical) and in those which are horizontal (or reticular). In particular, the relational model of subsidiarity defines it as a promotion of the norm of reciprocity between genders and generations in daily life-worlds.¹⁸

The distinctive characteristics of the relational model

In brief, it should be clear that the relational model is quite different from the assistential welfare-state regimes or those of compassionate capitalism.

To summarise its distinctive characteristics, it will suffice to note that it is new:

- 1) Because it is not only a defender of fundamental values such as those of freedom, solidarity and equality, but it actively *promotes* them through their redefinition in the relational sense. Liberty is defined as *positive* liberty in so far as it is an action *for* something instead of being only the absence of constraints (= negative liberty); solidarity is understood not as beneficence or collective insurance, but as interdependence. Equality is practised not as uniformity, but as a relation of equity through/with difference.
- 2) Because it identifies the family as a *relational good* and not only the good of the individual, as a consequence, following the idea that common goods imply natural human rights (Waldron, 1987), the family comes to be considered as a human right inasmuch as it is a relational good.
- 3) Because it redefines the family’s well-being as *relational wealth* and not as sum of individual utilities or the sum of the individuals’ well-being.¹⁹

All of the above mentioned qualities distinguish the relational model from the lib, lab and lib/lab models. With respect to the corporate model, the relational model takes the following realities into account: a) It takes into account that, in a globalizing society, the traditional model of the family, which is still adopted in many social security systems, can no longer be a model shared by all the members of a community. Therefore value sharing must be sought on another level. b) It takes

18 Applicative examples of such a model are numerous and currently in development. Nevertheless I may cite an example with reference to the case of the region of Lombardy which, in Italy, is pursuing family policies of a subsidiary character: Rossi (2002); Carrà Mittini (2003).

19 On the concept of *relational wealth*: Diwan (2000). On the concept of human well-being as tied to a community context: Shinn and Toohey (2003).

Table 3 The relational model of family policy (subsidiarity model)

I. Criteria which distinguish family policy	A policy is defined as family friendly if it is oriented according to the guiding distinction between family well-being and non-family well-being. In order to make this distinction unambiguous, the reference to the family must be formulated in terms of its social subjectivity (family policies are those which recognise this subjectivity).
II. Definition of family	A social relationship of full reciprocity between the sexes and the generations
III. Complex citizenship of the family	The family has its own set of rights-duties inasmuch as it is a relationship of conjugal and inter-generational solidarity
IV. Principle of complex subsidiarity in social policies	The relationships between the family and other societal sub-systems (state, market, and third sector institutions) must be regulated by a principle of mutual development of each actor's specific tasks.

into account that, in the realm of complex citizenship, family policies can no longer be limited to specific social (occupational) categories to which specific rights-duties are attached. Thus welfare and legal entitlements must follow other lines of belonging. c) It maintains that the family may continue to be regarded as a *corporate body*, that is, as a union of single individuals within a subject, which represents them. However its responsibilities can no longer be understood as previously, that is, presupposing certain status-roles and a hierarchy among them. Conceptions of "family responsibility" must adopt a relational character, i. e. the responsibilities attributed to the family must be conceived of as a property emerging from the interactions among family members (an emergent quality which stands in opposition to an additive property). In other words, family responsibility comes to be shared by all its members and not up to only one or some of them.

Family policies in the relational model

I must emphasize that the relational model is based on the fact that the necessary distinctions in family policies operate in a relational manner. What does this mean?

The distinction between citizenship/non-citizenship of family forms implies that there are types of families that merit the acknowledgement of a set of rights/duties having public recognition and other forms which do not. This distinction is not made on the basis of a discriminatory criterion, but, on the contrary, according to the very characteristics of the relations chosen and created by the subjects. If persons create forms of co-habitation in which there is no assumption of social responsibility towards the surrounding community, then public recognition is not required. If these subjects ask for recognition of their union, it is up to the

political community to examine what type of relationship it is and what type of recognition it deserves in relation to the public responsibilities that this “union” must assume in relation to the surrounding society. The linguistic term (Pacs, Lebenspartnerschaft, civil union, and so on) is less important than its substance. This principle implies that those forms inspired by “pure individualism” (i.e. regulated by merely private contractual arrangements) cannot be given the same recognition of citizenship. Also partly excluded are those forms of co-habitation in which social responsibility is not undertaken from within the relationship between the persons living in a household, but is left to outside bodies (public welfare institutions). This may apply to “legal families,” e.g. when the parents are abusing or seriously damaging their children, or to those “civil unions” which assume only a limited accountability to society for the social consequences of their private life.

This also holds true in the distinction between subsidiarity and non-subsidiarity. “Non-subsidiary” orientations can be in the form of *laissez-faire* policies common to most Anglo-Saxon countries, which do not intervene to sustain family responsibility (e.g. do not provide for maternal health issues or family leave) or “state-interventionist” policies (as in the French case with the *Caisse Nationale des Allocations Familiales*). These both lack relations of reciprocal development (empowerment) among the actors. The subsidiarity principle implies a different relationality, that is, a relation of reciprocity in the development of respective tasks. One must not forget that subsidiarity is not simply a criterion for the allocation of split functional tasks (between the state and the family, as well as between the members of a family). It is also a way to govern the sphere of relations where the common good comes into play.

Conclusions: new foundations for family policies

A vision

We may conceive family policy as a programmatic system of actions that must fulfil four requisites or dimensions. In such a system (see figure 1): (G) has as its goal the enactment of what I call “complex family citizenship”; (A) it avails itself of a collection of resources allocated on the basis of the subsidiarity principle; (I) it is integrated and rendered cohesive by associational rules of solidarity which promote the “plural well-being” of the families; (L) it is made legitimate on the basis of “family human rights”, the rights that every human person has to “create a family” as his/her relational good. The rights of joint conjugal, parental, and intergenerational relationships are therefore protected and promoted both as an individual and societal good.

- 1) *Enactment of the family’s complex citizenship.* A scenario for society in the coming years may be that of a community (“politically organised”) which must realize human rights by articulating “state” citizenship (that is conferred by the state, in its various central and peripheric institutions) along with “societal citizenship”.

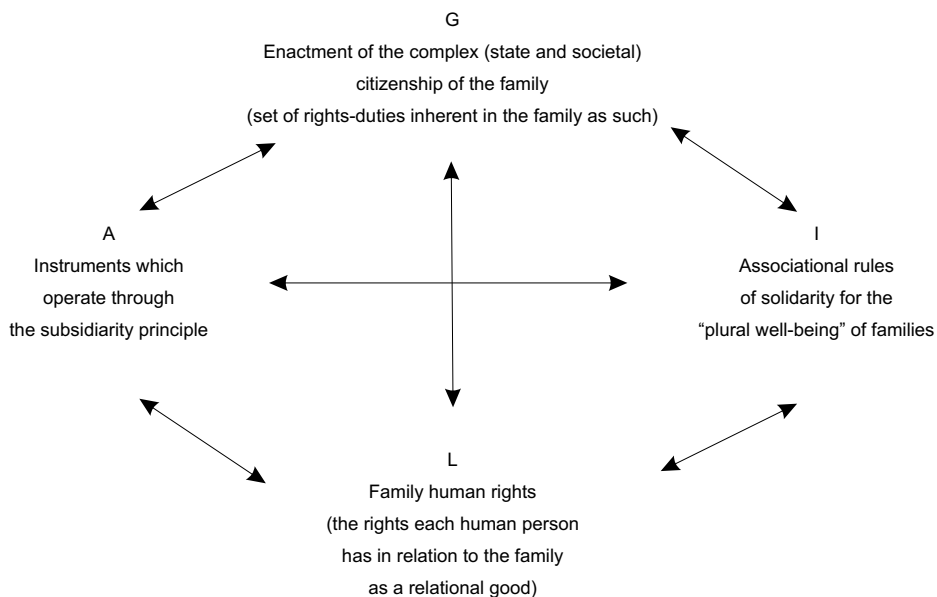


Figure 1 The four dimensions of family policy

Societal citizenship stems from civil society and pertains to its social subjects or intermediary social formations. The family becomes one of the social subjects entitled to new legal rights according to the guidelines of *societal citizenship*, that is as expressions of a source of rights generated by a caring society where the needs for self-organising initiatives are manifested by primary and secondary social formations. Societal citizenship must be seen as an alternative both to statism, the citizenship of collectivised socialism, and to that kind of liberalism that is a mere affirmation of individual rights, but not bound to community responsibilities (citizenship of the market). Citizenship becomes evermore that complex of rights and duties which human persons express through their social membership of autonomous associative networks (at various territorial levels: local, regional, national, international).

- 2) *Operative principle of subsidiarity*. The principle of subsidiarity affirms that it is not licit for an (empirical or analytical)²⁰ "political" community²¹ of a higher rank to take upon itself powers and tasks that belong to a community on a lower level.

Here there may be both a limited and a more wide-ranging interpretation. The limited interpretation would refer to the advocacy of the (minimal) tasks of the smaller community. The more wide ranging interpretation would tend

to reinforce its capacities for action. In other words, there could be a simple interpretation of subsidiarity as protection for smaller communities, but one could also promote their activities. In this sense the larger communities would not only have to protect, but should also work towards increasing the autonomy of the smaller groups, creating conditions for their independent development. In particular the larger communities must regulate the social exchanges (according to rules of distributive, redistributive, and commutative justice) in such a way that the smaller ones have sufficient resources to accomplish their goals.

More simply, the principle signifies that:

- a) as concerns the state, political-administrative decisions must be made as close as possible to the citizens;
- b) with respect to the relationships between the state and the other sub-systems of civil society (such as market agencies, third sector organizations and family informal networks, termed "civil" because they are not vested with institutional responsibility by the state), the paramount principle of action should operate so as to promote their reciprocal functional autonomies.

Instead of the colonisation and exploitation of the smaller communities by the larger ones, this principle of reciprocally giving value to (valorizing) autonomy implies a mutual orientation (which is a form of social governance) with the greatest possible synergy between the various institutional and civil subjects of society. Subsidiarity must not be understood as a residual intervention. According to some, the state must intervene if there is no one else to do so. This is a reductive interpretation. Rather, subsidiarity is a principle which permits the various levels and functions of society to be systematically balanced in an integrated mode, without undue substitutions, in such a way as to favour the respective responsibility of each actor in the division of tasks.

- 3) *Associational rules (governance) of solidarity for the "plural well-being" of the families.* Well-being is multidimensional, having economic, psychological, social, cultural, and spiritual aspects. Because of this there must be a plurality of subjects which generate it and which are legally allowed to act as "public" subjects. Public does not necessarily mean that they are governmental, but simply that they are recognised as subjects of societal citizenship.

20 Empirical or analytical are here used in the sense of Parsons theory of social action.

21 Political in the *empirical* sense is the characteristic of an administrative system of national importance (states, regions, provinces, municipalities, etc.), since it must make joint, binding decisions for the community, normally territorial, in which it operates. Political in the *analytical* sense is the characteristic of a social formation (including the family) which functions as a marker of binding decisions for the common good of all those who belong to it.

This is the theme of plural welfare, called such because it is put into practice by “associative” entities that organise well-being in an “associational” manner.²² This is the frontier of a conception of “civil well being” quite beyond that of public welfare intended as a result (output) of some compromise between the state and marketplace (lib/lab) or as a welfare mix (the so-called “mixed economies,” as a mix between public and private in the sense of state and market).

A highly complex society, such as the present one, can no longer be governed by a centre that regards itself as the summit of society. Nor can it be left to a free market model made up of spontaneous atoms. There need to be forms of regulation, and these would be forms of social governance, not simply political governance, that allow the current actors greater freedom in connection with their relative responsibilities. But how should this take place?

We must realise that the compromise between state and market, which has been the supporting axis of all modern societies, is no longer suitable for or adapted to the regulation of a caring society. The intervention of two further sub-systems is needed. First of all there is a third sub-system, the so-called third sector, made up of associations, volunteer groups, social solidarity co-operatives, foundations, and other non-profit and non-governmental organizations. This “third associational pole” is establishing itself today as something highly dynamic and active. It is capable of making up for the lack of regulation in the market, as well as avoiding the alienation of a bureaucratised society. Finally, we may define a fourth sub-system as the *sub-system of the families*. This is the whole collectivity of families understood as units providing primary services. In this way they are subjects with their own rights/obligations both in welfare choices (for example the acquisition of goods and services) as well as in the way these same welfare services are organised.

In other words, we must think of a society organised not along two but four sub-systems, to be considered as symmetrical and interrelated poles: the state, the market, the third sector, and the sub-system of the families, each having equal dignity and being deeply intertwined. Since the third and fourth sectors are those least recognised, appropriate promotional solutions must be found. In the case of the third sector, there is a solution which I call “statutory” since it is based on universal rules of social governance which permit subjects of the third sector (in particular family-oriented associations) to act as publicly free and responsible social actors, legitimised by proper statutes and by their functions in “public” service. These need to be considered, not merely as private subjects, but as subjects generating public utility.

- 4) *The family transformed from “social burden” to human right: family human rights.* Human rights of the family are the basis for the legitimation of family citizenship.²³ Many have not yet comprehended in what sense and in what way the term “citizenship of the family *as such*” implies much more than the

22 On the concept of “associational” see: Hirst 1998, 1999; Hirst and Bader 2001.

recognition of the rights of the individual. It does imply more than that for at least two important reasons.

- i) First, individual rights are not “absolute.” Rather they have a relational structure within the family. Rights that everyone has as a person are exercised in relation to the rights of the others inside the family.
- ii) Secondly, if it is true that the family can exercise positive social mediations for persons, then these mediations must be recognised as good in themselves. Therefore such mediations should be protected in themselves as relational goods.

To affirm the citizenship of the family means to recognise and develop the regulations and behaviours that are inspired by principles of solidarity, or rather of full reciprocity, which have their justification in the relational rights of the human person. The concept of citizenship lays claim to the positive value of these mediations, rather than legitimising rules and expected behaviours inspired by principles of indifference, or worse still, penalising the solidaristic mediation exercised by the family.

The person who still does not understand or accept the idea of family citizenship often fears such recognition as being in some way “anti-democratic”. We must, however, insist upon the fact that, on the contrary, the concept of family citizenship *extends* the meaning and importance of fundamental democracy, *avoiding* an ingenuous and mechanical application of what is merely procedural democracy. This latter could have perverse effects on the family. To promote the citizenship of the family means, in other words, to opt for choices that move toward a real and more complete democracy — one which works to realise the rights of solidarity, sharing, participation and autonomy of people as individuals-in-relation with each other.

New citizenship signifies that the family is no longer developed as a pure structure of social control, nor is it considered (actually or possible) as a fragmented reality. Taking part in a family becomes an entitlement to rights for its promotion based on principles of solidarity, and not only to the protection of individual rights.

Putting such a scenario into effect is not easy. It is above all complex because the recognition of the family’s subjectivity requires not only new welfare provisions for the various types of families (for example for single mothers); it also requires a qualitative leap in the conception and in the practice of citizenship. This citizenship must balance its “statist” and “societal” dimensions. This new conception and practice would recognise that certain supra-individual subjects — such as the family — bring with them their own requirements together with their own associative and organizational capacities to meet them. Many laws and bills, in fact, proclaim the principle of

23 For family human rights I intend those inherent to the human being which have as object the family as a relational good. These rights are intrinsic to the dignity of every human person, but regard the family as such. I understand quite well that the concept of human dignity is problematic (Seriaux, 1997). But precisely here lies the novelty of the relational approach.

family subjectivity, while the actual social policies they foster are nothing more than yet another offering of impersonal and anonymous services for this or that particular recipient (child, woman, the elderly) as if these individuals did not live within a family structure. The choice of the family as subject in itself must become part of civic consciousness.

Some sub-systems, in a few countries, already recognize the "subjectivity" of the family in one form or another. Take, for instance, the system of taxation in France based on the "family quotient." But this is not enough. Only the recognition of a full citizenship of the family, with all that it implies, would avoid diffuse phenomena of anomie, discomfort, injustices, and social pathologies, which families often experience today. Actually, without such recognition, increasing burdens of generating social solidarity, which cannot be assumed by the welfare state, would be transferred in a perverse, implicit, indirect, and undeclared manner to families. This would act against the pursuit of goals of social equality and of universalistic solidarity inherent to citizenship.

If until today there has been an *inverse correlation between the strength of the state and that of the family*, this historical correlation is no longer valid in post-modern or complex societies. I would even venture the hypothesis that in the 21st century the strength of the family will be positively correlated with the force of the state, *but only on the condition that this relationship is based on the principle of subsidiarity*. Nevertheless, it is also possible that as globalization gains ground, the state-family correlation will lose its importance.

Actually, in the necessary functional and relational distinction between state and family, the family must mediate a growing number of relations if communities are to function well. The family can no longer be a segmented element of society (in the sense that it reproduces by making identical copies of itself, like an earthworm). Nor can it be a corporation or a small community enclosed within a larger society. It can no longer be an intermediate community in the organicist sense of the term. It must become a communitarian relation of intermediation between the individual and society, which gives voice to a precise sphere of citizenship rights. These are rights which come from the fact of living in a family. These rights are granted to individuals, but refer to the mediations that they carry out in performing family functions which need rights of guaranteed access to social resources.

Let us provide an example. Since the right to an education is a right of citizenship, society should guarantee such a right for children. The legal system should guarantee the freedom of choice of school without discrimination of any kind, guaranteeing the right to study as a right of citizenship. However, the question is: does the right to an education belong to the individual or to the family? It appears to be a right only of the single individual, the student. There is no doubt that the lib/lab welfare system treats it as a mere individual right. According to the relational approach, this is not enough, and, in the end, it is inappropriate. The right to education must be seen both as an individual and additionally as a family right. Actually, this right certainly pertains to the child as a human person. But if we reduce this right only to an individual entitlement, we end up losing the role of the family, and this is sociologically most relevant to the question of whether or not the

right can be exercised effectively. To treat this right as a mere individual property leads to massive failure. Therefore we must consider that the right to education is *also* inherent in the family, because the individual can put it into effect only by passing through the opportunities offered by the family. Were we not to take into consideration the mediation of the family, the right would less likely be used optimally by the child. To realize this right, then, we must guarantee the rights of the family. Freedom of school choice is only one among many means. If family mediation, which constitutes society's *primary social capital*, is not recognised and is not actively promoted, society will inevitably take the place of the family. Likewise, those intermediate institutions that create secondary social capital (civiness) through the exercise of real formative choices of the family will also become empty of meaning and real functions.

In conclusion

There are four fundamental principles of a family policy, which can inspire a human society. (i) The first principle is about the existence of a fundamental right inherent to the dignity of the human person to generate a family as his/her relational good. (ii) The second principle concerns the norm of solidarity, understood not only as a principle of interdependence and reciprocal support among family members (internal redistribution), but also as a guiding principle which can sustain the creation of institutions of mutual aid among families. This takes place within the healthy pluralism of a civil society that organises family well-being in numerous associative forms. (iii) The third principle concerns the need to pursue the fulfilment of the "citizenship complex" of rights/duties which belong to the family as a relational good. (iv) The fourth is the principle of subsidiarity conceived of as the operational mode through which resources and instruments are made available and used by families in order to develop their primary (internal) social capital as well as the secondary (civic) social capital in the local community.

If we reason from the point of view of a complex principle of justice, and distinguish between the various spheres of justice, then the entire collectivity of families pursuing their family good would be one of these spheres.

In my opinion, a plurality of theoretical and empirical evidence suggests that the so-called "Charters of Rights," both the most general charters and the more specific ones pertaining to the rights of the family, must be re-examined in light of these principles. Actually all of the Rights Charters²⁴ owe their framework to the cultural and political climate of the 20th century. Each of the charters still makes reference to a stratified society which has the nation-state at its summit and centre. However in a

24 Including the "Charter of Family Rights" promulgated by the Holy See and signed by John Paul II on October 22, 1983. Notwithstanding the fact that this charter relates the family rights mainly to the nation-states, it is a fundamental document. It is worthwhile noting that the charter was proposed by the S. Holy See at the U. N. Headquarters in 1982, but was not approved by the Assembly (it was not undersigned by the USA nor by the USSR, among other countries).

globalizing society the principles must be universalised and rendered operational outside the nation state and beyond the era of industrial welfare. We are now entering a global society that will be a society of networks, where the central problem will not be one of political constitutions, but of *civil constitutions*.²⁵

From antiquity, scholars have maintained that family relationships have always been a symbolic mode of reference for political systems, particularly referencing the rapport between individuals and authorities. Many scholars have stressed that, as the model of the patriarchal family helped sustain the authoritarian or at least paternalistic states of the *ancien regime*,²⁶ the modern nuclear family sustains the liberal-democratic states. But they have omitted to observe that today this relationship has become more interactive, more complex, and is actually being overturned. Today, the fragmentation of the family and the fragmentation of the political system correspond one to the other. However this is not the only issue at hand. It is of greater relevance that today's family is becoming a "neutral" object for political-administrative systems. The outcome of this neutralisation is widespread anomie. Under these conditions, the family must then be promoted through civil action, that is, through the world-wide civil society, rather than through states and through international governing organizations, since these have in large part become unable to recognise the family in its societal functions.

We are in need of a great, new relational vision to rediscover the bonds between family, civil, and political society if we wish to have social policies that are *family friendly* in the context of a global, democratic, civil society.

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25 For more on this theme, see G. Teubner (2003).

26 This thesis has been known since Aristotle's times. Modern scholars would find it of value to re-examine that which had been observed by authors such as A. de Tocqueville, M. Horkheimer, J. Habermas, and others. An ideological review was undertaken by Todd (1985) and by Commaille and Martin (1998), who nevertheless did not consider the negative results attained today by family policy.

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Resumo/ abstract/ résumé/ resumen

Velhas e novas políticas familiares: a perspectiva da sociologia relacional

As políticas familiares tornaram-se recentemente uma nova questão pública em vários países, como consequência de duas grandes tendências: por um lado as transformações profundas das formas familiares, por outro a obsolescência dos modelos de política familiar herdados do século XX (lib, lab e corporativo). A política familiar carece de um referente definido em termos relacionais, o qual só pode ser efectivo se a política conferir um estatuto de sujeito social à família. O autor propõe uma nova abordagem à política familiar: uma abordagem relacional, baseada em dois pilares fundamentais: (1) a adopção de um princípio de subsidiariedade complexa no governo das políticas familiares; (2) o reconhecimento da cidadania complexa (política e civil) da família, coerente com o princípio de subsidiariedade.

Palavras-chave políticas familiares, sociologia relacional, subsidiariedade, cidadania familiar.

Old and new family policies: the perspective of relational sociology

Family policy has recently become a new public issue in most countries, as a consequence of two main trends: on the one side the deep transformations of family forms, and on the other side the obsolescence of family policy models inherited from the 20th century (lib, lab, and corporate). Family policy needs a referent defined in relational terms. It cannot be effective and just if policy doesn't confer a status of social subject to the family. The author proposes a new approach to family policy: a relational approach, based on two fundamental pillars: (1) the adoption of a principle of complex subsidiarity in the governance of family policies; (2) the recognition of the complex citizenship (political and civil) of the family, coherent with the subsidiarity principle.

Key-words family policy, relational sociology, subsidiarity, family citizenship.

Anciennes et nouvelles politiques familiales: l'approche de la sociologie relationnelle

Les politiques de la famille sont récemment devenues un nouveau sujet de débat public dans plusieurs pays, sous l'effet de deux grandes tendances: d'une part, les transformations profondes des formes de la famille, de l'autre, l'obsolescence des modèles de politique de la famille hérités du XXème siècle (lib, lab et corporatif). La politique de la famille a besoin d'un référent défini en termes relationnels, qui ne peut être effectif que si la politique confère un statut de sujet social à la famille. L'auteur propose une nouvelle approche de la politique de la famille: l'approche relationnelle, fondée sur deux piliers fondamentaux: (1) l'adoption d'un principe de subsidiarité complexe dans le gouvernement des politiques de la famille; (2) la reconnaissance d'une citoyenneté complexe (politique et civile) de la famille, cohérente avec le principe de subsidiarité.

Mots-clés politiques familiales, sociologie relationnelle, subsidiarité, citoyenneté de la famille.

Política familiar antigua y moderna. La perspectiva de la sociología relacional

Las políticas familiares recientemente se han vuelto un nuevo tema de interés público en varios países, como consecuencia de dos grandes tendencias: por un lado los profundos cambios en la forma de las familia, por otro lo inadecuado de los modelos de política familiar heredados del siglo XX (lib, lab y corporativo). La política familiar carece de un referente definido a nivel de las relaciones, lo cual sólo puede ser efectivo, si la política le confiere un estatuto de sujeto social a la familia. El autor propone una nueva forma de encarar la política familiar: una forma relacional, basada en dos

pilares fundamentales: (1) la adopción de un principio de subsidiariedad complejo, en el gobierno de la política familiar; (2) el reconocimiento de la ciudadanía compleja (política y civil) de la familia, coherente con el principio de subsidiariedad.

Palabras-clave política familiar, sociología relacional, subsidiariedad, ciudadanía familiar.