

PREFACE: Europe in the XXI century and the welfare crisis

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If we intend, as this collection does, to summarize the legal, economic and social destiny of the welfare in our times, we need to understand what is it that has deeply affected our social protection system, starting from the European continent, in the last thirty years. As the world, indeed, was set to celebrate the two hundredth anniversary of the French Revolution, history made it so that the event had to be celebrated aside from all formalities that were preparing themselves, celebrating the first one with a new great revolution, that is, the fall of the Berlin Wall, in 1989, which ended the Cold War and lead the world toward a new era of global balance and international relations.

A Cold War historian, John Lewis Gaddis, professor at Yale, discovered the fine similarity, underlining that, “sometimes revolutions take us by surprise. It had happened in France in 1789, it has happened again 200 years after in Eastern Europe” and, as the prudent historian he was, he highlighted the conditions that prepare and determine revolutions, with the famous theory that history behaves “like a sand pile that keeps growing, and no one knows which is the grain that will make it slide down at some point”. As it is known, the Storming of the Bastille, a decisive event that represents that “grain of sand” in 1789, was, in truth, a minor thing per se, but it constituted the last straw in a country that was weary of the monarchy of King Louis, just as Reagan’s attack to the Evil empire in 1989, as Gaddis himself remembers, or John Paul II pontificate and the arrival in power of Gorbaciov in URSS represented the mix that enhanced the crisis in East Germany, that had to endure the renunciation to forbid the citizens the passage to West Berlin and the demolition of the Wall.

Unified Germany, with great sacrifices and under the guidance of Kohl, following the event, gained an undisputed and consolidated European leadership. The German model, based on the balance between state centralism and Länder’s federalism, with some analogies with the EU mechanism, after the unification underwent significant repercussions, and the regional particularism, with the newcomers, threatened the unity of the federal state. In particular, the social legislation (which was a source of pride since Bismark), and precisely the same welfare state model, were based, in the Bonn Constitution of 1949, on the uniform protection of the rights of the citizens on the entire National territory, thanks to centralized laws enforced by the consolidated cooperation activity between the German Federation and the single Länders. The federal laws become, de facto and de jure, inefficient when deprived of the action of the Länders (there is no offset management of the state), even though the latter might not be able to ensure those rights without federal resolutions.

With the entrance of the Länders of East Germany, the situation got complicated, making it more difficult to ensure the same living conditions for all citizens. In order to solve this, the federal unitary structure enhanced its intervention and, consequently, reduced the cooperation and the autonomy of the Länders, which had no power to ensure the same treatment to both East and West Germany. Therefore, the higher differentiation between the Länders brought to a crisis of the model enhanced between 1966 and 1969 (*la Grosse Koalition*). In 1995 – with the end of the derogatory and distributive tax system to the advantage of the Eastern Länders, the supportive federal system plunged into a crisis, and the competition between Länders increased enormously, so much as to no longer justify the transfer of resources to the poorer territories. Indeed, in 1999 the richer Länders (Bayern, Baden-Wüttemberg, and Hessen) refused the financial equalization law, which obligated the three Länders to transfer resources to the Eastern Länders, by recurring to the Federal Constitutional Court, which, in November 1999, ruled the illegitimacy of the equalization law, despite reiterating the solidarity principles adopted by the Constitution and by the Federal Republic of Germany.

Afterwards, the great migrations started, and, from Eastern Europe and Africa, as well as the lacerated Middle East (from Syria and bordering countries), just as it had happened in the United States with immigrants coming from Central and Latin America, they started to push toward the European Southern borders, and the welfare and the social balance were, therefore, critically and further undermined, introducing conflicts that shook both the European Union itself and the already

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weak layouts of the single countries. The strong transition of the European countries toward individualistic fruition of the social support (and aid) system had already generated and, therefore, increased, later, a crisis that invested directly the recipients of social intervention and poverty alleviation measures.

Recognizing, cynically, that the State will not be able to fully conduct the traditional functions, also due to the intolerable increase of the health and social public expense, in wider sectors of both the political class and the population, it will be inevitable to wonder which points are indispensable to the organization of a different welfare, especially in the direction of the realization of an integrated network of services actively involving efficient networks created by the organized civil society.

The welfare community, today, presents itself as a system that modifies the same model of social policy traditionally established between institutions and citizens' society, and that requires qualified collaborations of the citizens organized in associations. The enhancement of the social relations might lead to consider that the public spirit, strongly compromised and penalized in the contemporary individualized and corporatized societies, which devalue social bonds, might be recreated and cultivated by free aggregations of social forces, trusting in the social pluralism for a future of support, to the purpose of social and democratic restoration.

The discussion on the topic has been dangerously reduced to goodwill propositions regarding general reception or income support as a remedy to face new social imbalances (ending up, this way, dismissing the relation between rights and duties, which was essential to the balance of the constitutions of the Twentieth century), giving up the ethical value and the democratic synthesis of the search for conditions that favor efficient social mobility. Without any counterpoints, it is inevitable to separate society between "active" and "passive" subjects, which entails an increased compression of the welfare and solidarity systems.

This book offers a valuable interdisciplinary contribution to the reflection, examining and deepening many aspects related to law, social sciences, and economics, presenting a general overview of the issues and pinpointing the lively scientific debate still in place. With this publication, enhanced by the contribution of several scholars from all over the world, the Giustino Fortunato University aims at implementing international research activities. I want to therefore express my gratitude to Professor Ida D'Ambrosio and Professor Paolo Palumbo for the total dedication to the activity of curatorship of this book.