



Subsidiarity, a transformative principle for the future of European democracy

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1. The three coordinates of subsidiarity: participation, inclusion and collaboration

A little more than a decade after the economic and financial crisis that hit most of the western world at the beginning of the new millennium (2008), marking profound changes not only in terms of geopolitical arrangements, but also and above all in terms of economic and social models, we are once again facing a challenge of global dimensions, triggered by the pandemic and the Covid-19. These crises have severely tested the pre-existing balances, and in Europe and Italy, as in the rest of the world - and we are only at the beginning - have initiated a profound reflection on the need to reconfigure power relations and the sustainability of our governance models at the national, European and international levels. The pandemic, like the previous crisis, is creating a climate of fear and uncertainty, but also of anger and despair, foreshadowing new forms of inequality and poverty, as well as major social imbalances. All this can only invite us to take a critical look at the global order and the social, economic and political systems that characterise it, imagining, especially in Europe, initiatives designed to radically rethink the society in which we live, its points of reference and to review the paradigms to which we are accustomed and with which we identify.

However, the crisis, as its etymology indicates, is also an opportunity to confront the past and to stimulate the search for solutions in the present for the future. Subsidiarity can be understood as just such a solution. It opens up opportunities for change, suggesting new types of socio-economic and socio-political relations that are more sustainable and capable of dealing with the complexity of global challenges. It is not a question of inventing anything new, but only of taking an ancient concept belonging to our social and political tradition and adapting it to the needs of contemporary society - as has happened in part and is still happening. It needs to be put into a legal context so that it can act as a leaven capable of mobilising social energies, promoting a renewed spirit of participation and directing the logic of Community governance towards the European common good (Arena 2019; Padoa-Schioppa 2020).

Subsidiarity is still a principle capable of grasping the deepest instances of society and of promoting, in its horizontal sense, thanks to civic activism,

unprecedented paths of renewal, social regeneration and democratic participation. Hence the need to outline, firstly, a synthetic profile of subsidiarity both from a historical-conceptual point of view and with regard to its areas of action and the contexts in which it operates on a horizontal level in the European Union and in Italy. This will make it possible, secondly - and this will be the subject of the following chapters - to clarify the method, the practices and the effects of subsidiarity, especially in Italy - which is in a privileged position of advanced experimentation compared to other European countries - and thus to highlight its potential with respect to the issues addressed in the handbook. The aim is thus to describe the "indirect" effects of subsidiarity on social inclusion, on overcoming divisive and stigmatising stereotypes, on promoting pluralism and participation, and the "direct" effects which, on the other hand, concretely favour collaborative practices and integrative models that complement traditional systems of democracy and governance (De Martin 2008; Donati 2011; Urbinati 2018; Ciaffi, Giordano 2020).

2. A richly nuanced identity principle that comes from afar...

As mentioned above, subsidiarity is a principle that comes from afar and, in its positive codification, belongs to the European legal culture, as Giuseppe Cotturri already observed: "outside Europe there is no concept or principle of subsidiarity" (Cotturri 2001: 11)¹. However, talking about subsidiarity raises some difficulties, especially with regard to its interpretation. Some have defined it as an "ambiguous principle, with [...] different meanings", but capable of promoting "a very rich reflection" (Cassese 1995: 373); others have accepted it as an innovative idea that, from an ethical-political point of view, "presents itself as a very rich principle, comparable, in terms of its disruptive force, to the principle of the separation of powers at the time of its first historical appearance" (D'Atena 1997: 627). This innovative charge affects "the very essence of democracy, the development of its values, the way of being a citizen" (Arena, Cotturri 2010: 28) and makes it an essentially European socio-political-cultural concept, which has been established with legal certainty in the construction of the Community, but with potentially universal application. The principle, therefore, does not lend itself easily to rigid formulations without risk of misunderstandings or without incurring in oversimplifications. Consequently, it is not easy to conceptually circumscribe the idea underlying the principle itself and to describe the numerous implications (ethical-

¹ His comment was part of the debate opened around the principle on the occasion of its inclusion in the Italian Constitution with the reform of Title V in 2001, but also referred to the European treaties that had introduced subsidiarity in the framework of European "public law" only less than ten years earlier. Cotturri looked at the Community experience of the early 1990s as the start of a phase of great perspectives and changes, in which subsidiarity marked the way forward in a "moment of transition to a stronger and more cohesive configuration of supranational institutions, for which the name of Union was adopted". However, observing also the Italian experience, in which work was being done to recover and insert the same principle into the Fundamental Law - which had long remained implicit in the Constitution, present in a fragmented manner in the values mentioned in the first part -, he sensed the potential of that insertion which in Italy, more clearly than in the EU, opened up new dynamics and suggested the virtuous "circularity" between horizontal and vertical subsidiarity (*Ibid.*).

value, social, political, legal, economic, urban-regional, etc.) that it entails, including with regards to rights (Benvenuti 2018)², social and political integration processes (Wanzenböck, Frenken 2020) and the sense of care that characterises the communities that have transposed and accepted its guidelines on a regulatory level, especially at the horizontal level of application (Monteduro 2017)³.

It is precisely in the latter meaning that the original nature of subsidiarity can be grasped, as a system of relations that develops from the social base and then progresses towards more complex and articulated forms of political organisation, as the adage "*civitas propter cives, non cives propter civitatem*"⁴ recalls. The principle is ancient and ideally dates back to Aristotle, traces of which can already be found in Plato and, before that, in the book of Exodus; it was then taken up and reworked by Thomas Aquinas in an interpretation that places the person and his fulfilment always at the centre of the general interest and gives society as a whole, understood organically, the aim of achieving the common good. The principle has spanned the centuries, declining itself vertically and horizontally, changing appearance and adapting to the emerging context, always with the aim of harmonising individual and collective, private and public interests, providing the conditions for a dialogue that is always open to conciliation (Donati, Colozzi 2005). Its internal dynamics tend to favour and combine the free and autonomous initiative of individuals and associated realities with the responsibilities of civil living, while respecting a solidarity-based vision of the social and political community. Examples of such an architecture, aimed at the collaboration and active solidarity of its members, can be found in the thinking of many European figures of the past, who saw subsidiarity as a balm against social conflicts and the arrogance of political and economic power. Among these, the best known is that of the jurist and theologian Johannes Althusius, who used to compare the plural society - which he called "symbiotic" - to a harmonious concert of instruments tuned by subsidiarity: "as from strings of different tones, harmonically tuned, a very sweet sound and a gentle melody are born, [...], so in the same way in the State there is agreement and bonding between [...] people of different ranks", from which "a most sweet and fitting harmony arises" which, if well orchestrated, produces "a praiseworthy, happy, almost divine and very lasting concord"⁵. A similar harmony had already been described in images centuries earlier by Ambrogio Lorenzetti in his frescoes depicting the allegory of "Good and Bad Government" and their effects on the city and the countryside. The Sienese painter's

² See also Frey 2005, on the interaction between subsidiarity and consumer rights.

³ On the intimate dimension related to the city and its communities, see also Marinelli 2015.

⁴ This is the phrase used by Pius XII in his radio message of 11 September 1956, in which the Pope referred to the tradition of the Social Doctrine of the Church, of which subsidiarity is the third of the four cornerstones together with the dignity of the person, solidarity and the common good. See *Discours et messages-radio de S.S. Pie XII*, XVIII, Dix-huitième année de Pontificat, 2 mars 1956 - 1er mars 1957, pp. 425-435, in https://www.vatican.va/content/pius-xii/fr/speeches/1956/documents/hf_p-xii_spe_19560911_medici-cattolici.html. (Accessed 30 October 2021)

⁵ J. Althusius, *Politica methodice digesta et exemplis sacris et profanis illustrata*, Herbornae Nassoviorum, Ex officina C. Corvini, 1603, I, 36. See also the version translated into Italian of the third edition, 1614, J. Althusius, *La politica Elaborata organicamente con metodo e illustrata con esempi sacri e profani, testo latino a fronte*, 2 Voll., Claudiana, Torino, 2009, p. 237, Vol. I.

work gives rise to a social and political philosophy that he figuratively summarises in the concerted participation of the citizens of the Republic of Siena in the care of the common good. With a subsidiary logic, the citizens and the “Good Government” cooperate harmoniously in the material and immaterial care of the city, both of the *urbs*, understood as the set of structures and buildings, and of the *civitas*, the living community with its interests and needs (Riklin 2000).

Subsidiarity has thus traversed the centuries and the history of Europe, characterising the formation of its various social and political communities, and has left its mark on a long series of local experiences of varying extents, eventually assuming the features of a principle of identity, with which many European citizens can today identify themselves (Barbaini, Giordano, Quirico 2020)⁶. It is no coincidence that the principle, sometimes suggested by the legal cultures of the Member States themselves (Germany and Italy first and foremost), was finally incorporated into the Community Treaties, finding legal form and guiding the process of European integration (Quadro Curzio 2002). It is a principle that has fostered the diversity and plurality of the subjects it brings into communication, building networks of cooperation, of “sharing, the fruit of coexistence, not of separate and mutually distracted lives”; in other words, subsidiarity reduces distances, encourages civic activism, increases participation and promotes “the political culture of federalism [...] of proximity and mutual attention” (Cotturri 2001: 32)⁷. Jacques Delors recalled how

les origines mêmes, le racines de notre réflexion politique sur le fédéralisme, la subsidiarité et la démocratie ont donc de forts ancrages dans la pensée chrétienne et œcuménique. Chaque groupe chrétien ayant eu un apport décisif indispensable et spécifique dans l’élaboration de ces concepts fondamentaux à travers la rationalisation du droit naturel, qui a permis de dégager des principes communs métapositifs à la théorie de l’organisation politique contemporaine (Delors 1996 : 34).

We are therefore faced with a principle that is dense with values and aimed at the good of the person and the communities that surround him or her.

3. A principle wanders around Europe (in search of confirmation) ...

For thirty years now, the history of the European Union and the dynamics of its integration have been confronted with the principle of subsidiarity. It is possible to trace and attribute some of the major transformations that the Community system has undergone over time to this principle, and it is also possible, going back to the very beginning of the integration process, to observe how this principle was already ideally enshrined in the original project (Ingravalle 2005; Giordano 2020: 191-206, *cit.*). It is also well known that the idea of subsidiarity was present in the political

⁶ See also Malandrino 2004, in particular pp. 123-139 (F. Ingravalle, *Principio di sussidiarietà, potere sussidiario e “popolo europeo”*).

⁷ See also Arena, Cortese 2011.

culture of the Founding Fathers, who found in the principle “a criterion for legitimising power that was not created by man or time, but corresponded to the existence of a permanent truth” (Melchionni 2013: 170)⁸. On the other hand, the principle of subsidiarity is not only a political and/or administrative rationale that concerns the attribution of powers to public bodies and establishes the extent of their intervention, but, looking beyond its instrumental application, it is possible to glimpse its anthropological origin and the social philosophy that more specifically concerns the relational nature of man and his moral sphere. Subsidiarity cannot, therefore, remain on the surface and be reduced to a simple “technical-legal criterion” aimed at coordinating political initiative in areas that do not fall within the exclusive competence of the EU, but must go deeper and be taken up first and foremost as a “culture of government”; in other words, its meaning must be extended without making it rigid in its vertical projection, which is sometimes intended to guarantee the sovereign prerogatives of the Member States, and sometimes to reduce them to the benefit of the Union. The dynamic of subsidiarity, in fact, while having practical needs to articulate itself in organisations of power in time and space, “refers first and foremost to the constitution of subjects, to the recognition of collective identities, to the sense of multicultural exchanges, to bonds of solidarity and conflicts of autonomy”; in other words, our principle “is inscribed in the culture of man, not of administrative machines: it is the political and social sciences that can provide tools, not the mechanics of power or the geometry of competences” (Cotturri 2001: 21).

In this sense, subsidiarity can be said to be a specifically European principle that invites the legislator to go down into the concrete world of social life to observe how citizens decide to form “communities of meaning” through shared interests and, thus, initiate participatory processes and collaborative practices. In this way, subsidiarity becomes once again a vital principle that restores centrality to the citizen in the exercise of his freedoms and responsibilities (rights/duties) and that has a fundamental impact on the substance of living together, on the way of understanding “making community” and, consequently, on the quality of democracy.

In 1991, Jacques Delors, while working on the reform of the European treaties, identified the principle of subsidiarity (and solidarity⁹) as a regulatory instrument of power relations capable of reformulating inter-institutional relations at all levels of European governance, also on the basis of the centrality of the autonomy of citizens and their social components (Anta 2004: 60-71 and 87-92)¹⁰. Only a few years earlier, the Council of Europe had implicitly referred, for the first time in these terms at international level, to the principle of subsidiarity in a document aimed at promoting the recognition and enhancement of the representative bodies of regional communities, as organic socio-political realities in which the natural interests of citizens and their communities are manifested and composed. In 1985, the international organisation had thus anticipated the Union, drawing up the *European*

⁸ Maria Grazia Melchionni refers to Jean-Louis Loubet Del Bayle's considerations in *Les non-conformistes des années 30. Une tentative de renouvellement de la pensée politique française*, Seuil, Paris, 1969, p. 331.

⁹ On these principles, see Von Bogdandy 2010 and Arban 2017. See also EC 2018.

¹⁰ On Delors, see also Delors 2004, Drake 2000 and on subsidiarity Barroche 2007.

Charter of Local Self-Government, with which it intended to protect the identities of local communities, giving them a central role in national constitutional systems¹¹. Local authorities were not only recognised from an institutional point of view, but also from a "functional" point of view in accordance with the principle of subsidiarity, according to which public decisions must be taken as close as possible to the citizens, who are the ultimate recipients of their consequences¹². The vertical projection of subsidiarity emerges from the Charter, however, with regard to the smallest entities, i.e. those that identify with regional communities, where civic participation is more lively and therefore it is easier to find convergence with the horizontal axis of the principle¹³. In this sense, Delors argued, subsidiarity "ce n'est pas seulement une limite à l'intervention d'une autorité supérieure vis-à-vis d'une personne ou d'une collectivité qui est en mesure d'agir elle-même, c'est aussi une obligation pour cette autorité d'agir vis-à-vis cette personne ou de cette collectivité pour lui donner les moyens de s'accomplir" (Delors 1992: 165)¹⁴. In view of the Maastricht reform, his objective was not only to find a criterion capable of modulating and regulating the competences of the Member States within the supranational framework of the European Community, but also to restore to the human being, first and foremost, and to his being a citizen of a smaller community, an active role not only in the democratic life of his own country but also in that of the future European Union - thus integrating the Community representative system with new instruments of participation. Moreover, as Delors reiterated, "la subsidiarité procède d'une défense morale, qui fait du respect de la dignité et de la responsabilité des personnes qui la composent, la finalité de toute société" (*ibid.*). For him, "la subsidiarité s'applique à deux ordres différents : d'une part la délimitation entre la sphère privée et celle de l'Etat, entendue au sens large du terme ; d'autre part, la répartition des tâches entre les différents niveaux de la puissance politique" (*ibid.*: 163). Among these, the first, "trop souvent négligé", remains the most important "pour choisir les critères d'attribution de pouvoirs à la puissance publique, en fonction d'une finalité essentielle : l'épanouissement de chaque individu" (*ibid.*: 163-164). Following this

¹¹ The United Nations has also considered subsidiarity as a suitable tool for global governance. In 1999, the *Development Programme on decentralisation* highlighted the role of subsidiarity and its potential in multi-level governance (UNDP 1999). In another earlier document, the United Nations stated that the "decentralization, or decentralizing governance, refers to the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. [...] Decentralization could also be expected to contribute to key elements of good governance, such as increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability" (UNDP 1997: 4).

¹² In this respect, Article 4(3) of the Charter was very clear: "Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy" (CoE 1985). On this topic, see also Hendriks, Loughlin, Lidström 2010; Carloni, Cortese 2020.

¹³ In this regard, it should be remembered that in the Italian Constitution, municipalities, understood as exponential bodies of their own community, representing the interests of citizens and of the various communities organised on the territory, enjoy a regulatory reserve that allows them a certain degree of autonomy, especially as regards relations with citizens and models for managing urban areas and the territory.

¹⁴ This is a speech on *Le principe de subsidiarité*, given at the Institut Européenne d'Administration Publique in Maastricht on 21 March 1991 and reproduced in the abovementioned volume.

direction, however, “suppose des hommes et des femmes capables d’assumer des responsabilités en vue de réaliser le bien commun” (*ibid.*: 164) and, we would add, of having the space and tools to become concrete protagonists of democratic action on the national and European public stage. In this way, the then President of the European Commission deeply rooted the principle of subsidiarity, ontologically as well as legally, in the organic fabric of European citizenship, wishing to give the new citizen of the Union a social dignity and a political space for action which, starting from individual autonomy and responsibility, could enable him to contribute, together with state and community institutions, to the definition and implementation of policies at all levels of decision-making. For Delors, subsidiarity was therefore a “compass” principle of Community integration, suitable for regulating the dynamics of European as well as national and supranational democracy, and was to be understood in the full sense, without the staggering of planes with which it is usually classified (Barroche 2007, Feix 2011).

As is well known, following the reform of the treaties, in which Delors played a leading role together with the governments of the member states, subsidiarity was understood mainly in its vertical sense, while the horizontal projection faded away almost completely, reduced to the idea of the proximity of the European institutions to the citizen within the framework of broader multilevel governance. This horizontal idea of subsidiarity was therefore only vaguely sketched out in the preamble, which stated that the parties undertake to ensure that decisions are “taken as closely as possible to the citizen”. The situation did not change much in the course of the subsequent reforms, during which the vertical meaning of the principle continued to be discussed, although important and substantial corrections followed. Not even in 2002, when the debate on subsidiarity was opened in the European Convention (Working Group I), at a time when the Union's strong democratic deficit was being lamented, did the debate go much further¹⁵. And yet, Giovanni Moro observed at the time, the principle of horizontal subsidiarity, if it were reconsidered within the framework of the Union and suitably developed, “would give that constitutional meaning to the presence of every citizen at the European level that everyone says they hope for: one is a European citizen also insofar as one collaborates in the care of the general interest through actions, not only through voting” (Moro 2003: 5)¹⁶. Moreover, by projecting itself in this strong direction of civic activism, which is vital and widespread at European level through the plurality of movements and voluntary organisations, subsidiarity could become the direct interpreter of civil society's desire to participate, granting it the most appropriate level of public dialogue and thus promoting a different way of making democracy in the Union, complementary to those already existing and consolidated, but more attentive and adherent to the stimuli emerging from grassroots communities and social formations. At the

¹⁵ In the Treaty establishing a Constitution for the European Union of 2004, however, alongside the principle of representative democracy, the idea of citizen participation in the definition of European policies through dialogue and exchange between civil society organisations and the EU institutions by means of a bottom-up logic finds its place for the first time.

¹⁶ On this subject see also Moro 2009.

moment, none of the formulas adopted at Community level has this scope, Moro recalled, neither “the neo-corporative one of civil dialogue, which [...] reduces civil society to a set of interest groups”, nor that of participatory democracy, which ends up incorporating civic organisations into the representative political process, giving rise to various short circuits” (*ibid.*). In any case, he concluded, “in policy making at European level, especially in relation to and thanks to the work of the Commission, there are ways of working and experiences that, albeit with the limitations mentioned above, constitute precedents that cannot be ignored” (*ibid.*).

4. The forms of participation in the Union according to the Treaty

Participatory democracy, as a procedure of the Union, was recognised and incorporated into the Treaties with the 2008 Lisbon reform¹⁷. The legal bases for this constitutive element of European democracy are described in Articles 10 and 11 of the Treaty on European Union (TEU). While the first article establishes (in the third paragraph) the general framework within which the European complex of institutions is framed, according to which “every citizen has the right to participate in the democratic life of the Union”, with the recommendation that decisions be “taken as openly and as closely as possible to the citizen”, the second describes the ways in which participatory democracy is implemented in the Union's policies¹⁸. The latter, which are certainly innovative in terms of opening up to the participation of civil society with respect to the previous vacuum, can for simplicity's sake be divided into two types, both subject to a constitutive limit. The first, in short, is the direct participation of individual citizens in the formation of policies and is expressed through different channels, the most important of which is the European Citizens' Initiative, which allows one million European citizens to submit a legislative proposal to the European Commission. The second involves citizens taking part in policy-making more indirectly, i.e. through civil society organisations engaged in dialogue with the European institutions. In this case, the area of action envisaged is that of consultations on policies or individual measures and develops a positive interaction between the European institutions and European social groups (Marchetti 2016 and 2014). This latter mode thus makes it possible to shorten the distance between organised civil society and the European Union. However, it should be noted that “in both cases the definition of participatory democracy reflects the point of view of the

¹⁷ For a reflection on the relationship between subsidiarity and democracy in the EU, see MacCormick 1997.

¹⁸ Article 11 is divided into four paragraphs and reads as follows: “1. The institutions shall give citizens and representative associations, through appropriate channels, the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. In order to ensure the consistency and transparency of the Union's actions, the European Commission shall carry out broad consultations with stakeholders. 4. Not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The procedures and conditions required for a citizens' initiative shall be established in accordance with the first paragraph of Article 24 of the Treaty on the Functioning of the European Union”.

institutions and takes into account their concerns and their specific interest in increasing their legitimacy in a situation of low trust on the part of the citizens” (Moro 2009: 77). In other words, the European narrative of participatory democracy suffers from “a kind of ‘institutional egocentrism’, according to which the institutions are the main actors in the democratic life of the Union, while the citizens are invited to participate in their activity” (*ibid.*). Nonetheless, the idea and practice of participatory democracy have taken root in the Union and in the future may broaden the spectrum of applications and ways in which this institution is implemented (Siclari 2009)¹⁹.

5. The views of the European Economic and Social Committee on "subsidiarity and participatory democracy"

Participatory democracy has been and is supported above all by the European Economic and Social Committee (EESC), which considers it “an integral part of the European model of society” and dependent on the correct interpretation and application of the principle of subsidiarity (EESC 2011: 12). Indeed, the Committee stresses how, thanks to Article 10(3) of the Treaty on European Union (TEU), the participation of citizens and their organisations has become a “right” and “subsidiarity a cornerstone of participatory democracy” (*ibid.*: 8). Similarly, it notes the importance of Article 11 (paragraphs 1 and 2), which proposes procedures and concrete actions to complement representative democracy with participatory democracy, by enlarging and strengthening “structures for dialogue with civil society at European level as well as at national, regional and local levels” (EESC 2013: 8). It considers it necessary to implement Article 11, which is seen as “a crucial opportunity to move beyond the existing processes for consulting and involving civil society which have been developed at European level since the 2001 White Paper on European Governance” (*ibid.*). With regards to the White Paper (EC 2001), the EESC had already issued an important opinion highlighting the fundamental value of the principle of subsidiarity, “the most important principle of good governance” (EESC 2002: 62). The Committee pointed out that this principle did not concern only the technical-administrative distribution of powers, but expressed a specific conception of the individual, of his freedoms and responsibilities, and of the society in which he operates. In other words, the EESC grasped the essence of subsidiarity, presenting it as a fundamental criterion for “good” European governance, for guaranteeing citizens’ participation in the decision-making process, and suggested linking the vertical and horizontal axes of the principle:

Society would work better if citizens had the feeling that the decisions concerning them are taken at the most appropriate level. The appropriate level is not only determined by territorial criteria (European, national, regional and local) but also by functional criteria according to specific expertise (public authorities, economic community, social partners and other civil society organisations). When deciding

¹⁹ For a wider consideration of participatory democracy see also Sgueo 2020; Alegretti 2010; Bobbio 2006.

who is to be involved in decision-making 'functional (horizontal) subsidiarity' must be taken into account alongside 'territorial (vertical) subsidiarity', which both in their own right guarantee greater responsiveness to people's concerns and greater efficiency. These two levels of subsidiarity should function in tandem complementing each other. The Economic and Social Committee forms an interface between territorial and functional subsidiarity, thus adding value to better European governance (*ibid.*: 62-62).

Although not explicitly defined in the Treaties, the two strands of subsidiarity are nevertheless present in the body of European law and in the political-administrative philosophy of the EU institutions and in that of many EU Member States²⁰; and if their application were "interrelated" and coordinated, subsidiarity could significantly strengthen European democracy and perhaps promote explorations in democratic practices in European countries that are linked to the principle itself - as in the case of diffuse democracy in Italy (Arena 2020: 50-56). In a 2015 EESC opinion on tools for improving the functioning of the Union, exploiting the potential of the Lisbon Treaty, reference was once again made to the importance of the combined action of the two projections of subsidiarity and, with regard to horizontal subsidiarity, it was suggested that its application be strengthened and extended, including "to wider policy areas in the future, via structured civil dialogue" (EESC 2016: 190)²¹. Moreover, the horizontal axis enshrines "the recognition to the public role of private players e.g. citizens and representative civil society organisations and to their participation in policy-shaping and decision making processes, through their specific consultative role, as well as the autonomous legislative role of social partners in the context of European social dialogue" (*ibid.*: 189)²². Finally, it again recommended that this method should be "complemented by enhanced 'vertical' subsidiarity with a reinforced role for national parliaments in EU policymaking and increased cooperation between the former and the European Parliament" (*ibid.*); in other words, it reiterated the importance of coordinating the axes of subsidiarity.

²⁰ One thinks first of all of the constitutions of federal states, such as those of Austria, Belgium, Germany and Switzerland, where the principle of subsidiarity is closely linked to the functioning of the federal system, but also of those of other European countries, such as the Netherlands, Spain, Portugal, Denmark, etc., where an implicit reference to subsidiarity can be found. See Luther 2020.

²¹ The opinion had been prepared at the request of the European Parliament, at the same time as the two reports of the Committee on Constitutional Affairs, the Bresso-Brock *Report on improving the functioning of the European Union building on the potential of the Lisbon Treaty* and the Verhofstadt *Report on possible evolutions of and adjustments to the current institutional set-up of the European Union*.

²² It should be noted that the concept of horizontal subsidiarity, sometimes also referred to by the EESC as "functional subsidiarity", is also transposed and recognised in Articles 152, 154 and 155 TFEU on social dialogue and the role of the social partners. Unlike civil dialogue, with reference to the above-mentioned articles, social dialogue "is a mechanism with quasi-legislative powers according to articles 153 and 154 of the TFEU. It is clearly defined in terms of participants, powers and procedures and has quasi-constitutional status. It derives its distinctiveness from the special powers and responsibilities of its participants playing their role in an autonomous way. For this reason, their role and responsibilities cannot be transferred to other policy areas or actors. Social dialogue is thus an excellent example of the principle of participatory democracy at work" (EESC 2011: 11).

6. The potential of “active citizenship” in the context of horizontal subsidiarity

Beyond these prerogatives, which guarantee civil society important spaces for participation, thanks also to the logic of proximity that promotes subsidiarity, a full development of the principle in a horizontal sense is still desirable. In other words, a development that is not only “passive” but goes beyond the recognition of consultative practices and dialogue-based ways of involvement²³, and pushes itself forward to promote forms of “active” participation in the life of the Union with direct actions - one could speak of democracy in action - which, by unfolding autonomously from the countless regional communities of which it is composed, are part of a coherent overall framework that has the principle of subsidiarity as a firm reference for regulatory guidance. The connection between the Union and the communities could be made through a flexible and indirect system that takes into account national legal differences - those in which the idea of subsidiarity has found acceptance - and leads to the activation, with references to the principle (in the vertical and bidirectional bottom-up, top-down sense), of the appropriate institutional and regional levels so that they work to promote the correlation between the axes of subsidiarity through methods and institutions sanctioned by national law, those that already allow local administrations to operate on the level of horizontal subsidiarity. In this way, the principle would activate the energies of European civil society, also stimulating its active citizenship, ready to commit itself in practical terms on the ground, in the various communities, in order to create experiences of broad, inclusive and cooperative participation within the framework of the values of pluralist and diverse European democracy. In another document, the EESC recalled the importance of civic activism, which is a different matter from the involvement of civil society in decision-making processes, and stressed that active citizenship “[was] crucial to society at all levels and for many reasons – bringing political, social, cultural and individual benefits, to name just a few” (EESC 2012: 6). Its mobilisation and involvement are also decisive in stimulating the application of the principle of horizontal subsidiarity and in triggering new participatory processes that take into account the enormous resources that active citizenship offers, not only in terms of mere consultation, as part of civil society, but also in terms of the operational implementation of rights and responsibilities, thus filling democratic action with practical sense:

In a democratic society, all individuals and groups have the right to participate in democratic practices and institutions. That seems to imply a responsibility to ensure that no one is excluded. It could be argued that active citizenship is all about balancing rights and responsibilities. But whereas rights can be set out in lists and charters, responsibilities are more difficult to enumerate. A catalogue of the activities that could qualify as active citizenship would be wide-ranging and

²³ On the progress, limits and prospects for the development of participatory democracy and civil dialogue in the EU, see the EESC 2015's systematic study. On the EESC website you can find, together with the above-mentioned study, the following documents in appendix: ANNEX Legal Scholarship, ANNEX II Bibliography, ANNEX I A Mapping.

extensive, and together they build a healthy, participative democracy. They cover voting and standing for election, teaching and learning, donating to good causes, recycling and caring for the environment, campaigning and volunteering. They may take place in a professional, political or personal context. They can be on an international scale, or simply target the neighbour next door (*ibid.*).

This definition leads one to think that active citizenship goes beyond the opportunities offered by participatory democracy and, by interacting with horizontal subsidiarity through appropriate regulatory and procedural tools, can develop, as “practised citizenship” (Gigliani 2016: 313), models of “participated” or, even better, “diffused”²⁴ democracy²⁵. What emerges here is a qualitative difference with respect to participatory democracy and an additional step in the process of democratizing European society, in which horizontal subsidiarity - which remains at the basis of the inspiration of participatory democracy because of the idea of proximity that it expresses - suggests and promotes integrative forms of democracy that are more ramified and profound and which, at the same time, urge the various national legal cultures to adapt and to seek or rediscover in the principle of subsidiarity a common denominator of European democracy, as well as an identifying principle of the Union. In this way, subsidiarity would activate the energies of European civil society, stimulating its active citizenship, ready to commit itself concretely on the ground, in the various communities, in order to give life to experiences of enlarged, inclusive and cooperative participation within the plural framework of the values of European democracy. A citizenship that would be in the front line, committed together with local administrations to the daily construction of solidarity networks aimed at including and reducing inequalities through dynamic practices of collaboration between citizens, social partners and public bodies at all levels²⁶. In this ideal development, the Italian experience could suggest some interesting paths.

7. A principle wanders around Italy (with some important confirmations)...

In Italy, horizontal or social subsidiarity has found fertile ground, thanks to its inclusion in the Constitution in 2001 (art. 118, paragraph 4). Since the end of the last century, subsidiarity has been at the centre of a wide-ranging debate in Italy, which in fact continued, albeit with different intentions at national level, the debate that had started within the European Community in the 1970s and 1980s and which then, as mentioned above, led to the adoption of the principle in the 1990s at Maastricht.

²⁴ It should be noted that horizontal subsidiarity is often and not always correctly traced to the phenomena of participatory democracy. Marcello Cecchetti, with specific reference to the Italian case (under art. 118, fourth paragraph, of the Constitution), explains how this consists “in reality, not in participation in processes that in any case culminate in a decision by the representative or administrative public institution, but in the performance of activities of general interest by individual and associated citizens” (The translation from Italian to English is ours). The difference therefore lies precisely in the “performance of activities”, i.e. in the practical implications and concrete action that citizens and social groups can carry out independently together with the public authorities (Cecchetti 2020: 14).

²⁵ On these topics, see also Bauböck 2020 ; Alemanno 2019.

²⁶ Concerning the culture of active citizenship in Italy with respect to care of the territory see Magnaghi 2020.

In the debate, an attempt was made to define the legal physiognomy of subsidiarity on the basis of certain political demands, both vertically and horizontally, while at the same time discussing the ethical-value aspects and the social and economic physiology that the principle inspires (Cotturri 2001; Quadrio Curzio 2002). At the turn of the millennium, therefore, subsidiarity became not only a guiding principle, but a real “hope principle” (Luther 1996) that seemed to suggest, in highly plural and differentiated societies, the best way to govern globalisation. In Italy, unlike what happened in the EU, the horizontal projection of the principle finally found an explicit juridical arrangement and immediately aroused lively reflections on ways of living and rethinking democracy²⁷, also launching experimental paths, in a phase of general distrust in this fundamental institution. Gregorio Arena writes that this has opened up unexplored spaces for public bodies “to carry out their constitutional mission, allowing them to work alongside public institutions and private individuals not just as instruments of their action [...] but as autonomous, aware and responsible allies in the fight against a common adversary, the complexity of the problems posed by the modern world and for a common goal, the full realisation of each human being” (Arena 2006: 78). In 2014, with the Bologna Municipal Regulation²⁸ that implemented the principle of horizontal subsidiarity expressed in the Constitution, to activate forms of collaboration between citizens and the administration for the care and regeneration of urban commons through Collaboration Pacts (Arena 2020; Marchetti, Millefiorini 2017), the practice of shared administration²⁹ was actually launched, a new paradigm already theorised by Arena in the late 1990s in the midst of the debate on public administrative reform and subsidiarity in Italy (Arena 1997). Since then, shared administration has given rise to new experiences across the country with the effect of promoting active citizenship, extending the participation of civil society in the care and regeneration of the commons in collaboration with local administrations, leading in Italy to shared and inclusive management of part of the national cultural heritage, both tangible and intangible. In this sense, horizontal subsidiarity has released energies and increased the social and political value of citizenship, actively practised on this heritage within the particular horizon of the

²⁷ The last paragraph of Article 118 states: “The State, regions, metropolitan cities, provinces and municipalities shall promote the autonomous initiatives of citizens, both as individuals and as members of associations, relating to activities of general interest, on the basis of the principle of subsidiarity”.

²⁸ On the Bologna Municipal Regulation adopted in 2014 see http://www.comune.bologna.it/media/files/pregolamentoamministrazionecondivisa_new_w03dib.pdf.

²⁹ Shared administration refers to an organisational model governed by the Regulation on the shared administration of commons (<https://www.labsus.org/2017/04/regolamento-beni-comuni-il-nuovo-prototipo-di-labsus/>; consulted on 30 October 2021) which, in implementation of the constitutional principle of horizontal subsidiarity laid down in Article 118(4), allows citizens and the public administration, especially the municipality, to carry out activities of general interest on an equal footing, concerning the care, regeneration and shared management of commons. In this respect, “active citizens” can be defined as all citizens (individuals, associations and collectives) who, regardless of residence or citizenship requirements, are active in carrying out the above-mentioned activities of general interest. This is an organisational model that in fact allows for an “alliance” in the general interest between citizens and administrations and that differs “both from the participation of private individuals in the administrative procedure and from other forms of participation in public decision-making processes, such as participatory and deliberative democracy. In shared administration, citizens and administrations share not the exercise of power, but responsibilities and resources for the solution of problems of general interest” (Arena 2017: 50) (The translation from Italian to English is ours).

plurality of national communities in the general interest. This practice not only extends the scope of democratic action, but also helps to strengthen existing and traditional forms of democracy (representative, direct, participatory and deliberative), creating social value, trust between citizens and institutions and a society more aware of the value of care (Pizzolato 2020; Valastro 2016; Cotturri 2010).

Moreover, this new paradigm responds to the need for correlation between horizontal and vertical subsidiarity, in that it constitutes an organisational model in which the idea of vicinity or, better, proximity finds effective and concrete implementation in the convergence on activities of general interest that collaboration between citizens and public bodies identifies and achieves³⁰. In fact, observing the Italian experience of shared administration, “vertical subsidiarity and horizontal subsidiarity intersect one with the other or, to put it better, fade one into the other” (Arena 2006: 78). Thus, “when the problem is that of the allocation of functions among the various institutional levels, subsidiarity (understood as vertical subsidiarity) makes it possible to identify the most appropriate level for the performance of a given function not so much on the basis of the criterion of ‘proximity’ to the citizens of the various levels as on the basis of the capacity of each of these levels to satisfy the general interest” which - understood as the expression of the alliance and collaboration between public subjects and citizens – “leads to the creation of the conditions for the full realisation of each human being” and can develop forms of participatory and widespread, diffused democracy (*ibid.*). In this way, vertical subsidiarity allows “the allocation of public functions not on the basis of an abstract institutional geometry, but rather on the basis of a concrete objective of the growth of the individual and the defence of his dignity” (*ibid.*). Understood in this way, the vertical guideline of subsidiarity, even before being the disciplinary rule that calls into question a superior agent, involved in the resolution of local problems, should activate through local institutions the channel of listening to civil society, the one ready to participate (active citizens, volunteering associations, etc.). Local authorities are the only ones able to tune in to the frequency of citizenship and then, as subsidiarity unfolds horizontally, become its valuable allies and jointly identify shared areas for action as a concrete expression of general interest. Horizontal subsidiarity would thus enable the institutions responsible for public functions “to pursue the general interest not on their own, but together with citizens, both individual and associated” (*ibid.*: 79) and allow them to practise citizenship as the foundation and expression of democracy.

This is certainly a perspective that has found application in Italy thanks to a series of favourable legislative and jurisprudential conjunctures (Arena 2020: 47-48)³¹,

³⁰ According to Arena, the general interest is “the bridge that joins art. 3, para. 2 [concerning substantive equality for the development of the human being and effective participation] and art. 118, last paragraph, public subjects and citizens: in one case this interest is pursued directly by the public authorities, in another by the active citizens, but supported by the public subjects, in a ‘subsidiary’ relationship in the most literal sense of the term, in that it is a relationship of reciprocal collaboration and help to achieve a common objective which interests both” (Arena 2006: 77) (The translation from Italian to English is ours).

³¹ (The translation from Italian to English is ours).

launching innovative forms of democracy that we could call, in Arena's words, "widespread", just as "the presence of active citizens engaged in the care of the commons is widespread throughout the territory" (*ibid.*: 53). This is an attitude that, beyond the peculiar Italian experience - which many international observers are looking at with interest (*ibid.*: 56-57) - could stimulate in the European institutions, and in particular in those EU actors and interlocutors who are more sensitive to the involvement of active citizenship and civil society in the political life of the Union, new reflections both on the iteration and correlation between vertical and horizontal subsidiarity and on participatory forms of democracy. In other words, the Italian experience could indicate complementary solutions to those already existing to build a citizens' Europe and suggest different ways to respond to the need for democratic participation in accordance with Articles 10 and 11 of the Treaty on European Union. In the same way, the regulatory path followed in recent years in Italy could offer a new interpretation of the principle of "functional" subsidiarity that has characterised the Community experience so far, perhaps rethinking it in the more concrete terms of an effective cooperation between Community institutions, public administrations, the economic world, volunteering, social partners, civil society and active citizenship.

Moreover, the principle of subsidiarity, writes Arena, has "an innovative charge that goes well beyond that already highlighted with regard to administration and that instead [...] concerns the very essence of democracy, the development of its values, the way of being citizens" (Arena 2006: 163). Arena is referring here to the potentialities deployed by the inclusion of the principle in the Italian Constitution with the 2001 reform, and takes into consideration first of all the horizontal deployment of subsidiarity (art. 118, fourth paragraph), but the sense of that consideration can easily be extended to the positive effects that subsidiarity can theoretically generate when employed. If we add to this the circular logic of the principle, which tends to make the State, the Market and the Community, i.e. the public, private and civil forces, dialogue by grafting the vertical axis onto the horizontal one, subsidiarity could really encourage the reconstruction of the very idea of State and political community at all levels. Gustavo Zagrebelsky is also convinced of this and, in recognising the transformative potential of subsidiarity, starting from a reflection on art. 118.4, he emphasises how its horizontal use calls for "an overall reconsideration of our being together, of being a society. It is almost a modification of the form of the State - he observes - if this consideration is pushed to its limits" (Zagrebelsky 2005 : 136). This reflection leads us, therefore, to reconsider the logic of subsidiarity, appropriately placing its aggregative (*participation*), reconstructive (*inclusion/cohesion*) and transformative (*collaboration*) force at the base of the social and political pyramid, overturning it.

References

- Alemanno Alberto (2019). "Europe's Democracy Challenge: Citizen Participation in and Beyond Elections", *German Law Journal*, Vol. 21, No.1, 171-178.
- Allegretti Umberto (2010). "Democrazia partecipativa: un contributo alla democratizzazione della democrazia". In: Allegretti Umberto (2010) (ed.), *Democrazia partecipativa: esperienze e prospettive in Italia e in Europa*. Firenze: Firenze University Press, 5-45.
- Anta Giulio Claudio (2004). *Il rilancio dell'Europa. Il progetto di Jacques Delors*. Milano: FrancoAngeli.
- Arban Erika (2017). "Exploring the principle of (federal) solidarity", *Review of Constitutional Studies*, Vol. 22, No. 2, 241-260.
- Arena Gregorio (1997). "Introduzione all'amministrazione condivisa", *Studi parlamentari e di politica costituzionale*, nn. 117/118, 29-65.
- Arena Gregorio (2006). *Cittadini attivi. Un altro modo di pensare all'Italia*. Bari-Roma : Laterza
- Arena Gregorio (2017). "Amministrazione e società. Il nuovo cittadino", *Rivista trimestrale di diritto pubblico*, a. LXVII, fasc. 1, 43-55.
- Arena Gregorio (2019). "Europa, bene comune? Ci sono oggi, in Italia e altrove, politici capaci di ridare un'anima all'Europa?", *Labsus – Laboratorio per la sussidiarietà*, 21 May 2019 (<https://www.labsus.org/2019/05/europa-bene-comune/>; consulted 31 march 2021).
- Arena Gregorio (2020). *I custodi della bellezza. Prendersi cura dei beni comuni. Un patto per l'Italia fra cittadini e istituzioni*. Milano: Touring Club Italiano.
- Arena Gregorio, Cortese Fulvio (2011) (eds.). *Per governare insieme: il federalismo come metodo. Verso nuove forme della democrazia*, Padova: Cedam.
- Arena Gregorio, Cotturri Giuseppe (2010). "Introduzione. Il 'valore aggiunto' della cittadinanza attiva". In: Arena Gregorio, Cotturri Giuseppe (2010) (eds.). *Il valore aggiunto. Come la sussidiarietà può salvare l'Italia*, Roma: Carocci, 10-11.
- Barbaini Luca, Giordano Filippo Maria, Quirico Stefano (2020). *Europa, identità e democrazia. Crisi di un paradigma e nuove prospettive*. Roma: Aracne.
- Barroche Julien (2007). "La subsidiarité chez Jacques Delors. Du socialisme chrétien au fédéralisme européen", *Politique européenne*, Vol. 3, No. 23, 153-177.
- Bauböck Rainer (2020). "Cities vs States: Should Urban Citizenship be Emancipated from Nationality?", *Verfassungsblog* <https://verfassungsblog.de/cities-vs-states-should-urban-citizenship-be-emancipated-from-nationality/> (Consulted on 30 October 2021).
- Benvenisti Eyal (2018). "The Margin of Appreciation, Subsidiarity and Global Challenges to Democracy", *Journal of International Dispute Settlement*, Vol. 9, Issue 2, 240–253.
- Bobbio Luigi (2006). "Dilemmi della democrazia partecipativa", *Democrazia e diritto*, n.44, 11-26
- Carloni Enrico, Cortese Fulvio (2020) (eds.). *Diritto delle autonomie territoriali*. Padova: Cedam.
- Cassese Sabino (1995). "L'aquila e le mosche. Principio di sussidiarietà e diritti amministrativi nell'area europea", *Il Foro italiano*, a. IV, 373-378.
- Cecchetti Marcello (2020). "Democrazia e partecipazione nella costituzione". In: De Sanctis Francesca (2020) (ed.), *La partecipazione nel governo del territorio in Toscana*. Firenze: Regione Toscana.
- Ciaffi Daniela, Giordano Filippo Maria (2020) (eds.). *Storia, percorsi e politiche della sussidiarietà. Le nuove prospettive in Italia e in Europa*. Bologna: Il Mulino.

- Cotturri Giuseppe (2001). *Potere sussidiario. Sussidiarietà e federalismo in Europa e in Italia*. Roma: Carocci.
- Cotturri Giuseppe (2010). "Storia del principio di sussidiarietà in Costituzione", In: Arena Gregorio, Cotturri Giuseppe (2010) (eds.). *Il valore aggiunto. Come la sussidiarietà può salvare l'Italia*, Roma: Carocci.
- D'Atena (1997). "Il principio di sussidiarietà nella Costituzione italiana", *Rivista italiana di diritto pubblico comparato*, nn.3-4, 603-627.
- De Martin Gian Candido (2018) (ed.). *Sussidiarietà e democrazia. Esperienze a confronto e prospettive*. Padova: Cedam.
- Delors Jaques (2004). *Mémoires*. Paris: Plon.
- Delors Jacques (1992). *Le nouveau concert européen*. Paris: Editions Odile Jacob.
- Delors Jacques (1996). "Introduzione". In: Citterio Ferdinando, Vaccaro Luciano (1996) (eds.). *Il contributo della tradizione cristiana*. Morcelliana, Brescia.
- Donati Pierpaolo (2010) (ed.). *Verso una società sussidiaria. Teorie e pratiche della sussidiarietà in Europa*. Bologna: Bononia University Press.
- Donati Pierpaolo, Colozzi Ivo (2005). *La sussidiarietà. Che cos'è e come funziona*. Roma: Carocci
- Drake Helen (2000). *Jacques Delors. Perspectives on European leader*. London and New York: Routledge.
- Feix Marc (2011). "Subsidiarité, proportionnalité et construction européenne", *Revue d'éthique et de théologie morale*, Vol. 4, No. 267, 59-70.
- Frey Marco (2005). *Horizontal subsidiarity in the new Europe. Citizens and institutions collaborating for consumers rights*. Pisa: Edizioni ETS.
- Gigliani Fabio (2016). "Forme di cittadinanza legittimate dal principio di sussidiarietà", *Diritto e Società*, No. 2, 305-336.
- Giordano Filippo Maria (2020). "La sussidiarietà, un principio alle origini della costruzione europea". In: Ciaffi Daniela, Giordano Filippo Maria (eds.). *Storia, percorsi e politiche della sussidiarietà. Le nuove prospettive in Italia e in Europa*. Bologna: Il Mulino, 191-206.
- Hendriks Frank, John Loughlin, Anders Lidström (2010). "European subnational democracy: comparative reflections and conclusions". In: Luoighil John, Hendricks Franck, Lindstrom Anders (eds.) (2010), *The Oxford Handbook of Local and Regional Democracy in Europe*. Oxford: Oxford University Press, 1-26.
- Ingravalle Francesco (2005). "La sussidiarietà nei trattati e nelle istituzioni politiche dell'UE", Working paper, No. 55, Università del Piemonte Orientale, Dipartimento POLIS.
- Luther Jörg (1996), *Il principio di sussidiarietà: un "principio speranza" per l'ordinamento europeo?*, *Foro Italiano*, Vol. 119, No. 4, 183-192.
- Luther Jörg (2020). "La sussidiarietà come principio sussidiario del diritto pubblico comune europeo". In: In: Ciaffi Daniela, Giordano Filippo Maria (eds.). *Storia, percorsi e politiche della sussidiarietà. Le nuove prospettive in Italia e in Europa*. Bologna: Il Mulino, 209-225.
- MacCormick Neil (1997). "Democracy, subsidiarity, and citizenship in the 'European Commonwealth'", *Law and Philosophy*, Vol. 4, No. 16, 331-356.
- Magnaghi Alberto (2020). *Il principio territoriale*. Torino: Bollati Boringhieri.

Malandrino Corrado (2004) (ed.). *Un popolo per l'Europa Unita. Fra dibattito storico e nuove prospettive teoriche e politiche*. Firenze: Olschki.

Marchetti, Maria Cristina, Millefiorini Andrea (2017) (eds.). *Partecipazione civica, beni comuni e cura della città*. Milano: FrancoAngeli.

Marchetti Maria Cristina (2016). *L'Europa dei cittadini. Cittadinanza e democrazia nell'Unione Europea*. Milano: FrancoAngeli.

Marchetti Maria Cristina (2014). *Democrazia e partecipazione nell'Unione*. Milano: FrancoAngeli.

Marinelli Annalisa (2015). *La città della cura. Ovvero, perché una madre ne sa una più dell'urbanista*. Napoli: Liguori.

Melchionni Maria Grazia (2013). "Il principio di sussidiarietà nella prospettiva storica, dalla tradizione di pensiero cattolica al trattato di Maastricht", *Rivista di Studi Politici Internazionali*, Vol. 80, No. 2.

Monteduro Giuseppe (2017). *Sussidiarietà e innovazione sociale. Costruire un welfare societario*. Milano: FrancoAngeli.

Moro Giovanni (2003). "Sussidiarietà orizzontale e riforma della Unione europea", essay presented at the conference "Sussidiarietà circolare e costituzione europea" organised by Cittadinanzattiva and "Quelli del 118", Bologna, 28 March 2003, 1-10 <http://www.gioannimoro.info/documenti/g.moro%20bologna%2003.pdf>

Moro Giovanni (2009). *Cittadini in Europa. L'attivismo civico e l'esperimento democratico comunitario*. Roma: Carocci.

Padoa-Schioppa Antonio (2020). "Sfide planetarie, come affrontarle?", *Il Federalista*, a. LXII, No. 3, 233-256.

Pizzolato Filippo (2020). *I sentieri costituzionali della democrazia*. Roma: Carocci.

Quadrio Curzio Alberto (2002). *Sussidiarietà e sviluppo. Paradigmi per l'Europa e per l'Italia*. Milano: Vita e Pensiero.

Riklin Alois (2000). *La summa politica di Ambrogio Lorenzetti*. Siena: Betti Editrice.

Sgueo Gianluca (2020). "The practice of democracy. A selection of civic engagement initiatives", Study, European Parliamentary Research Service–Brussels. 1-50.

Siclari Domenico (2009). "La democrazia partecipativa nell'ordinamento comunitario: sviluppi attuali e prospettive", *Amministrazione in cammino*, 1-16 <https://amministrazioneincammino.luiss.it/wp-content/uploads/2010/04/Siclari.pdf>

Urbinati Nadia (2018). "Subsidiarity and the Challenge to the Sovereign State". In: Cohen Jean, Arato Andrew and von Busekist Astrid (2018) (eds.). *Forms of Pluralism and Democratic Constitutionalism*. New York Chichester, West Sussex: Columbia University Press, 187-210.

Valastro Alessandra (2016) (eds.). *Le regole locali della democrazia partecipativa. Tendenze e prospettive dei regolamenti comunali*. Napoli: Jovene.

Von Bogdandy Armin (2010). "Founding Principles of EU Law: A Theoretical and Doctrinal Sketch", *European Law Journal*, Vol. 16, No. 2, 95–111.

Wanzenböck Iris, Frenken Koen (2020). "The subsidiarity principle in innovation policy for societal challenges", *Global Transitions*, Vol. 2, 51-59.

Zagrebelsky Gustavo (2005). *Le fondazioni di origine bancaria*. Roma: Accademia dei Lincei.

Documents

Bologna Municipal Regulation (2014) http://www.comune.bologna.it/media/files/pregolamentoamministrazionecondivisa_new_w03dib.pdf (Consulted on 30 October 2021).

CoE (1985). *European Charter of Local Self-Government*. Strasbourg: Council of Europe <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a088> (Consulted on 30 October 2021).

EC (2001). *European Governance – a White Paper*. Bruxelles: European Commission of the European Communities (COM(2001) 428 final) [https://ec.europa.eu/transparency/documents-register/detail?ref=COM\(2001\)428&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=COM(2001)428&lang=en) (Consulted on 30 October 2021).

EC (2018). *Solidarity in Europe. Alive and Active*. Bruxelles: European Commission of the European Communities <https://op.europa.eu/it/publication-detail/-/publication/9adba623-d66f-11e8-9424-01aa75ed71a1> (Consulted on 30 October 2021).

EESC (2002). *Opinion of the Economic and Social Committee on 'European Governance – a White Paper'*. Bruxelles: European Economic and Social Committee (COM(2001) 428 def.) (2002/C 125/13) <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:52002AE0357&from=IT> (Consulted on 30 October 2021).

EESC (2011). *Compendium. Participatory Democracy a retrospective overview of the story written by the EESC*. Bruxelles: European Economic and Social Committee (Group III "Various Interests") <https://op.europa.eu/en/publication-detail/-/publication/715513c3-00ea-40d1-9274-2d65a6c113fb/language-en> (Consulted on 30 October 2021).

EESC (2012). *Active Citizenship. For a better European society*. Bruxelles: European Economic and Social Committee <https://op.europa.eu/it/publication-detail/-/publication/1822448a-1e8f-4f3b-bd06-d60eb7fc0b78> (Consulted on 31 March 2021).

EESC (2013). *Opinion of the European Economic and Social Committee on 'Principles, procedures and action for the implementation of Article 11(1) and (2) of the Lisbon Treaty (own-initiative opinion)'*. Bruxelles: European Economic and Social Committee 2013/C 11/03 <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52012IE0766&from=EN> (Consulted on 30 October 2021).

EESC (2015). *Civil Dialogue and Participatory Democracy in the Practice of the European Union*. Bruxelles: European Economic and Social Committee <https://www.eesc.europa.eu/sites/default/files/resources/docs/qe-02-15-397-en-n.pdf> (Consulted on 30 October 2021).

EESC (2016). *Opinion of the European Economic and Social Committee on 'Improving the functioning of the European Union building on the potential of the Lisbon Treaty' and on 'Possible evolutions and adjustments of the current institutional set-up of the European Union'*. Bruxelles: European Economic and Social Committee (2016/C 013/27) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52015AE3264&from=EN> (Consulted on 30 October 2021).

Regulation on the shared administration of commons (2017) <https://www.labsus.org/2017/04/regolamento-beni-comuni-il-nuovo-prototipo-di-labsus/> (Consulted on 30 October 2021).

UNDP (1997). "Decentralized Governance Programme: Strengthening Capacity for People-Centered Development", Management Development and Governance Division, Bureau for Development Policy (September).

UNDP (1999). "Decentralized: a sampling of Definitions", Working paper prepared in connection with the Joint UNDP-Government of Germany evaluation of the UNDP role in decentralization and local governance (October) http://web.undp.org/evaluation/documents/decentralization_working_report.PDF (Consulted on 30 October 2021).