

THE PONTIFICAL
ACADEMY OF
SOCIAL SCIENCES

EXTRA SERIES

2

Closed Session



VATICAN CITY
2004

5 May 2003

The Pontifical Academy of Social Sciences
General Assembly of Academicians

CLOSED SESSION

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EDMOND MALINVAUD

Our programme for this General Assembly contains six items: the presentation of the new Academicians (and each will have three minutes to introduce him or herself); the conclusions that we can draw from this first Forum; we will discuss your ideas tomorrow afternoon during the follow-up session of our work on globalisation; I just want to inform you briefly on the topic of the next Plenary Session in 2004; then a few words about a strategic choice concerning what we will do in 2005 and finally some information on the renewing of the Academicians who belong to the first appointment of Academicians, those that were appointed in January 1994 and who thus will end their term in January 2004. Therefore I would like to discuss these topics very quickly. We will start with the presentation of the new Academicians: I will present to them in a very simple manner the diplomas of the Academy, after which they will introduce themselves.

Before I give the floor to Professor Skubiszewski, we have distributed a small green booklet which is the report of last year's General Assembly and it is at your disposal if you want it as a reference and I am sure we will be issuing a similar booklet after this General Assembly. Professor Skubiszewski the floor to you.

KRZYSZTOF SKUBISZEWSKI

Thank you very much, Mr Chairman. I was born in 1926 in Poland, and my formative years were those of the Second World War. They certainly had an influence on my interest in international law and state matters. In 1945 when I began my law studies in Poznan University, Poland, against the nation's will, was incorporated into the Soviet sphere and the country was ruled by a communist government. I never espoused the communist cause or the Marxist methodology. Between

1945 and 1955, during the Stalinist period, this fact constituted a difficulty in my work. After the thaw, and I am thinking of Nikita Khrushchev's famous speech that destroyed Stalin's cult, the situation improved a lot. It is true that after 1956 there were some obstacles and tension but I could nevertheless do my work. After my studies I was appointed Assistant Teacher in Public International Law. I carried out research on United Nations Law and on the legal status of occupied Germany and in particular of the German-Polish border. Once Stalinism had come to an end the authorities decided to give us a possibility, though a limited one, to travel abroad. And it was not yet too late for me to undertake additional studies to the ones I did in Poznan. I carried out these studies in the University of Nancy in France and at Harvard Law School in the United States. Continuing the research that I just mentioned, I also worked on the use of force by states, war law and the theory of international law, including relations between that law and domestic law. Despite my twenty-five years teaching at Poznan University, the authorities refused to appoint me to a professorship. In 1973 I was transferred to the Institute of Law in Warsaw, a research institute without students where I got the title of professor. When in 1980 the Solidarnosc Trade Union surprised the world first by its creation and then by its totally peaceful activity, I became a member of it. The Communist government reacted by introducing martial law and banning the Solidarnosc (1981). In that difficult period I participated in some political and social activities the aim of which was to support peaceful change in Poland. That change came in 1989, soon embracing the whole of Central and Eastern Europe. I was then appointed Foreign Minister and served in that capacity for the next ten years (1989-93). Since 1994 I have been President of the Iran-United States Claims Tribunal at The Hague and since 2000 also a Chairman of a Dutch-French arbitral tribunal. I am devoting my free time to research on (1) the theory and other problems of international law and (2) issues of contemporary foreign policy in Europe. I am grateful to the Holy Father for having graciously appointed me to this Academy. I thank its President, Chancellor and Members for their warm welcome.

EDMOND MALINVAUD

Thank you very much. Professor Possenti.

VITTORIO POSSENTI

Thank you, Chairman. After high school and university studies I carried out research activities in the field of electronics and high frequencies (microwave), analogic and digital transmission in radio links. This duty was performed in research and development laboratories of primary firms in the telecommunications sector. In this field I covered also managerial responsibilities. During all this professional experience, which spans approximately from 1962 to 1975, I continued my personal engagement in philosophical research, which traces back to my youth. Having accomplished some projects in the R&D telecommunications area, I passed to the Rectorate of the Catholic University of Milan where, cooperating with the Rector, I was in charge of following some research centres, namely those on Metaphysics, Family, Law, and the cultural formation programmes of this university. Also during this duty I pursued my philosophical studies, and finally at the end of this period I decided to devote myself to philosophy.

In this realm I published several works of political philosophy, aiming at an intellectual reconstruction of this discipline after its crisis provoked by scientism and positivism. Central themes dealt with in my books have been: the concept of people, of natural law, and of common good; philosophy of peace and the possible overcoming of state absolute sovereignty in order to reach a political unification of the world; a research on the principal contemporary ethico-political projects, and an enquiry on the 'good society'. These matters are also in relation with the social doctrine of the Church and with a certain change in the spiritual situation of our times: after a few centuries when there was a kind of privatisation of religion, mainly in the Western world, we seem presently to be close to a sort of de-privatisation of the major world religions with a partial recovery of their public presence.

Then I obtained through a competitive public examination a chair at Venice University where I have taught moral philosophy since 1987: presently I am full professor of political philosophy. I am the author of about twenty volumes and many essays: a part of them has been translated in ten languages.

During all my intellectual research I have devoted constant efforts to a second major philosophical domain, the one centering on speculative knowledge and theoretical philosophy, where I have published several books and essays concerning the issue of realism, the idea of truth, the

best and most in-depth way to define theoretical nihilism, and the role of the Thomistic philosophy of being. In this field my approach is that philosophy of being is able to determine the real nature of theoretical nihilism, which was looked for with great passion and efforts, but without a solid issue, in world philosophy from Nietzsche to Heidegger and later.

I have been for some years (1992-1994) a consulting member of the *Pontificium Consilium pro Dialogo cum Non-credentibus*. Since 1999 I have served as a member of the Italian Bioethics Committee. I am founding member of the 'Institut International Jacques Maritain' in Rome (1974). As a sector of my academic work is devoted to the foundation of human rights, in 2003 I was appointed director of an interdepartmental research centre on human rights in Venice University. I am also a corresponding member of the Pontifical Academy of Saint Thomas Aquinas.

I am grateful to the Holy Father for having benignly appointed me to this Academy. I thank its President, Chancellor and Members for their kind and friendly welcome.

EDMOND MALINVAUD

Madam.

OMBRETTA FUMAGALLI CARULLI

Thank you, Chairman. My scientific research started in 1966, immediately after my degree – I was born in 1944 – and it was focused on many sectors of law. After three years of research in the Italian penal procedure, I devoted myself for many years to canon law and to ecclesiastical law, the part of the state public law that covers religious confessions. And in canon law my first research focused on marriage, creating new categories that became a source of law for the *Rota* first and then for the new code of canon law of 1983, in the field of matrimonial consensus and psychological incapacity in marriage, as well as in the field of the family. In canon law, more recently – the book that I have distributed to the colleagues of the Academy is along those lines – I have studied canon order as the legal structure of the only global government existing today, which is that of the Catholic Church, which has its own juridical order. And I focused on four sectors of law, also trying to detect their pre-judicial

foundations, whether social or theological. The four sectors are: the Church and law (the great dispute carried out by Luther, for instance); the second is the constitutional structure of the Church; the third sector concerns the general principles of canon marriage as a basis for the family; the fourth sector is the Church and the world, which is closest to the interests of the internationalists, because I have studied the relationship between Church and states, hence bilateral relations, the relationship between Church and international organisations, hence multilateral relations and, finally, the role of religious freedom in the missionary law of the Church, coded for the first time in 1983.

In the public law of the Italian state, another sector that I have researched, I studied in particular the relations between civil society and religious society from a historical standpoint and also from the law in force. I especially focused on religious freedom from the point of view of state law, on school, on the civil effectiveness of religious marriage and on ecclesiastic jurisdiction *vis-à-vis* state jurisdiction. Other sectors I touched upon are the relation systems between the political community and the Church and especially the freedom of the Church. I studied this from a historical standpoint in the work of Marsilio da Padova (medieval times) and in the work of Jacques-Benigne Bossuet who is considered a theoretician of French absolutism and thus of the system of privilege between state and Church.

I carried out other research in the five-year period when I belonged to the *Consiglio Superiore della Magistratura* between 1981 and 1986. I focused on the Italian juridical order, Italian justice, from the point of view of the investigative powers of the judiciary institution – I took up once more my initial studies of the penal procedure – and from the point of view of the guarantee of the autonomy and independence of Italian magistrates. I have written a total of one hundred essays, including books and encyclopaedia entries, and articles also in foreign magazines. In these last few years I have been President of the international group ‘Parliamentarians for the Jubilee’, to which the Pope entrusted the organisation of the Jubilee for those in charge of the public good (MPs and rulers) and in that role, with the help of colleagues from a hundred Parliaments of the five continents, we focused on three topics which were the subject of three motions presented to the Pope and approved by the ‘Parliament of the world’ as it was defined by the newspapers. The subject of the first was the indebtedness of poor and devel-

oping countries, the second religious freedom and human dignity and the third motion concerned ethics and globalisation.

After being in the *Consiglio Superiore della Magistratura* I was also part of the Italian Parliament and Government. During the years of my presence in the Italian government I was at the Ministry of Posts and Telecommunications where I was given the task, by the President of the Council, of working on the relations between state and the radio and television system (a very delicate matter in Italy); then I became the Minister of Civil Protection, during which time I dealt with the problem of emergencies; in the Ministry of the Interior I worked on religious freedom and on the Italian prefecture structure; finally, and this was my last government post, I worked for the Health Ministry where I dealt with the right to health in the fields of prevention and nutrition, and also with veterinary problems. It was the period of Mad Cow Disease in Italy. Today, having returned to the Catholic University of Milan, to my Chair where I had been appointed when I was just thirty years old, I am an Ordinary Professor of Canon Law in the Faculty of Jurisprudence and I also teach Ecclesiastical Law of the Italian State (*Staat-Kirche-Recht*, as the Germans call it), which is different from canon law. I hope the scientific, political and cultural experiences that I have matured over thirty-eight years within universities and over twenty years in Italian state institutions can prove useful to the proceedings of this authoritative Academy and for me it is an honour to participate together with all of you. Thank you.

EDMOND MALINVAUD

Thank you, we are really very happy to be able to cooperate with you all and this prospect is very satisfying for us. I would now like to turn to the next item on our agenda: what are the conclusions that we can draw from the experience, which is a first for us, of this morning's forum. I want to state that, as you noticed, this morning we were very strict on the fact that it was a meeting confined only to Academicians and this seemed to me indispensable if we wanted to follow the spirit of the agreement we reached with Cardinal Sodano, who is the Secretary of State, on the formula chosen for this forum. There is one point which I deliberately did not touch upon with him, I do not know whether I have to go to confession about it, but there is one point I did

not touch upon with him and it concerns the publishing of the abstracts or the texts of the forum. I sort of suspected that it might be troublesome, therefore I thought it would be better to have the forum as we have had it and, if you agree, my intention now would be to ask him whether he could accept the idea of publishing the papers. I do hope he will accept it and, since Cardinal Lehmann, Patriarch Scola and Monsignor Martin all behaved as though this was not a problem, I do not think there will be any difficulties, but we have to wait for this agreement before we are certain of being able to publish all the interventions we have heard this morning. I would like to seize this opportunity to thank the three high prelates who really worked hard to prepare this forum and I would also like to thank all the Academicians who prepared their interventions according to our formula. I think we can say this first experience has been a relative success, what do you think? Who wants to take the floor? Maybe I should asked Monsignor Minnerath to take the floor because three years ago he seemed to be rather sceptical about such an experience.

ROLAND MINNERATH

I was not sceptical on the possibility of inviting personalities such as those we had this morning. What I would like to repeat is that three bishops are not the *Magisterium*, this is clear.

EDMOND MALINVAUD

Yes, it was clear, it was part of the agreement reached with the Secretary of State.

ROLAND MINNERATH

Certainly, but we had the impression that it would be a dialogue between the Academy and the *Magisterium* whereas it was a dialogue between the Academy and three qualified representatives of the *Magisterium*.

JUAN J. LLACH

It is a very short question. I think the meeting that we had this morning was an important step. Perhaps it is not easy to organise these meetings, so it would be interesting, if possible, to organise other informal meetings, I mean, with different... I do not know in which way, I do not know when, I do not know where, but anyway it is not the same to have an interaction in such a formal place as this is as to have an interaction in a less formal way in which you can have a dialogue, not only formal speech after formal speech, which are of course important, but a more informal dialogue. This is my suggestion.

EDMOND MALINVAUD

As far as I understand, there should not be any major problems as regards the organisation of seminars by the Academy as long as the Academicians say that they want a dialogue with the Church because that was the request of some of you, to have a dialogue with the Church, and after the clarifications given by Monsignor Minnerath it is clear that it was a dialogue with three representatives of the *Magisterium*. There are other possibilities, we could invite to a seminar such and such an expert, a Jesuit for instance, who works on a particular subject and then we could have something less formal, this is possible. Monsignor Schooyans.

MICHEL SCHOOPYANS

I would like to make two remarks and I will start by talking about the possible publishing of these papers. I do not think there will be any difficulties as far as this morning's papers are concerned. But by publishing for the first time the proceedings of this morning's session we run the risk of creating a situation of limiting the freedom of speech of future rapporteurs. This may occur, for example, when rapporteurs are bishops, who will be rather reticent in speaking so freely if they think that their words will be published afterwards. Thus I think we should be careful. This is the first remark which comes to my mind. Now I would like to make a second one, which is completely different: I think that we should be careful not to give the impression of eluding the Pontifical Council for Justice and Peace by taking initiatives which

would escape from its control since this Council is in some way our boss. That is all.

EDMOND MALINVAUD

As far as the first point is concerned, I think that we should examine the issues one step at a time. First of all we should ask the three bishops whether they agree in having their papers published and then we could ask the Secretary of State whether he would give us his agreement for this session only. It is not a definitive agreement, it does not mean that in the future we will have similar agreements, we could go on step by step.

HERBERT SCHAMBECK

Mr Chairman, Ladies and Gentleman, the Chairman has just said at the end what I wanted to say. First of all, Professor Tietmeyer, two or three years ago, had expressed the wish to have the chance to meet personalities of the Holy See in order to have a proper dialogue. This has happened with three personalities this morning and we should thank Chancellor Sánchez Sorondo for the way he has organised this forum, because he has taken account of the personalities and has made a very good choice, because the three interventions of Cardinal Lehmann, Patriarch Scola and Monsignor Martin have complemented each other. And of course it is true that they had prepared their papers and maybe we could have had more time to have a discussion. Maybe we should first of all ask Secretary of State Angelo Sodano whether he can accept the publication of these papers and then we have to ask the three personalities whether they can accept the publication of their interventions. For instance as far as modern, urgent topics are concerned, the question is of being able to publish these interventions promptly in order not to lose the urgency. I think that what the Chairman has suggested is the right way.

JOSÉ T. RAGA

Thank you Mr Chairman. The formula you suggest is, to me, a very useful one. Any opportunity to get together and interchange opinions

and even methodologies is quite profitable. What I am thinking, and maybe it should be disregarded, is to start first by considering the topic we are dealing with and, afterwards, to select the people who are the most influential in producing documents on behalf of the Church.

What I mean is: we talked for instance, at this time, of globalisation. Certainly the President of the Pontifical Council for Justice and Peace was present, but in my opinion, it would be more useful to have their presence in the forum rather than in the more celebratory inauguration of the session of the Academy. Also it would be recommendable to include, for instance, *Cor Unum* or *Caritas Internationalis* or any other concerned organisation. Because what is surprising is that we, from the Academy, are producing a way of thinking, or at least a way of analysing the problems, when, at the same time, you can meet people speaking on behalf of the Church whose arguments are really fascinating, outside of any scientific consideration. For this reason I say that these types of organisations, that are moving on and on, with a very good platform for penetration in newspapers and media, must be in this type of forum because, if they are fair enough, they will listen to some other views or some other points of analysis that might be in contrast with their own.

MARGARET ARCHER

Well, it was an extremely pleasant morning and there were extremely pleasant people making interesting contributions. But I think there were many lessons for us, the Academy, to learn from it. It was not a dialogue in the sense that I believe Clause 1 of our Statute should be interpreted. Let me put it this way: we worked for three years, we produced three long books, after that we worked for three more years and we produced one further big book. It is no criticism of the three people involved at all, but nevertheless it is a fact they had not read a single one of our publications. That is not a criticism. It poses a question for us though. How can we have more impact, not in the sense of directing anything, not in the sense of telling the Church what to think, but in the sense for which we are constituted as an Academy, to aid the Church in thinking through elaboration of social doctrine. What is manifest to me is that our procedure, so far, is not effective to this end and we should be very courageous and say that we can do much better than we have

done already. How can we do so? I think in one particular way, and I have said this many times but, since I did so much work in producing these books, I hope you will forgive me for saying it again. All of us are distinguished academics, all of us have more invitations to international conferences than we ever accept or ever want to accept, we are not short of forums in which to hear our own voices: this should be something different, it should not just be paper followed by paper, point of view followed by point of view, we should try to do what we do not do in our ordinary secular academic life, we should try to come to some conclusions, to some recommendations. It may be the case that sometimes we have to say, this is the majority recommendation and this is the minority recommendation, but that is perfectly normal in public life, everybody can live with this. But unless we reach some point, some point which does not involve asking members who are influential with the teaching authority to sit down and read four books and make their own digest of it, we have got to present them with something shorter and that means disciplining ourselves in a completely new kind of way. And in that way I would hope we would be of greater service to the Church in the way that Clause 1 of our Statutes indicates that we should be. Thank you.

EDMOND MALINVAUD

We are ready to listen to or to read from you further comments on this experiment. Undoubtedly the Council will speak of that on Wednesday morning but I see that our colleague here, Professor Zulu, has something to say.

PAULUS ZULU

Thank you, Mr Chairman. I want to endorse Professor Archer's utterances. At the beginning of your questions I asked myself something that I thought was very naïve. Why do we, after being in existence for seven years, call members of the Pontifical Council for Justice and Peace to come and listen to us and probably in an indirect way seek their endorsement of what we are doing? Either we are not doing what we ought to be doing correctly or we are not sure of the matters that we went into from the very beginning. If we were not sure about what we

were going to do, why did we not call them from the beginning and find out what it is that they wanted out of us. If we thought that we understood our mandate correctly, then have we not fulfilled it succinctly in such a way that it is either compelling to somebody to make reference to our work by the very nature of the work we produce? These were the questions that were with me. I think we probably need to be, I am not sure whether to use the word 'more disciplined' because I would not know how to do it, but we probably need to come to some definitive conclusions about a series of works that we have undertaken and say, as academics or Academicians, this is what we think the position on X should be. People can either agree with it or disagree with it but we shall have come to some definitive conclusion and we are now setting ourselves the task also to achieve the following and come to the same conclusions. Thank you.

EDMOND MALINVAUD

Thank you. Professor Zacher.

HANS ZACHER

Now we have reached the end of our work. And thus I believe the time has come to thank the members of the Academy who, more so than others, have borne the burden of this work throughout these years. This applies above all to Professor Archer who conceived and organised all three conferences on the subject of 'work'. In preparing the forum, she moreover elaborated an additional detailed summary. We have also to thank Professor Malinvaud. His accompaniment of our efforts was especially intense. Together with Father Schasching, Professor Malinvaud has written up a summary report for the forum in which the papers of the past few years, and the attendant debates, are once again illuminated.

EDMOND MALINVAUD

Thank you very much. I think we now need to go to the following item on our agenda. We need to forge ahead. Well, the following item on our agenda is to say a few words about the four meetings that we

have held on globalisation and on the follow-up. In fact, we do not need to say very much today because tomorrow in the last session we will be precisely covering that item. There will be the reports of those who have organised the half-day sessions, starting with Professor Glendon, then Professor Archer, Professor Minnerath and Professor Llach. I think that is all. And then, obviously, Sabourin will conclude, talking about what he feels has been accomplished, taking into account that he has already discussed this in his introduction. In his introduction he described very well the various possibilities that we could envisage, so we will be discussing this further tomorrow, so I ask both the rapporteurs and those who are not rapporteurs to please prepare this meeting and what you are going to say about our future work on globalisation. Do you have any specific questions to put in view of what we will be discussing tomorrow? No? So this is just a piece of information I wanted to give out to you. Professor Glendon, would you like to say anything about the organisation of the Plenary Session of 2004?

MARY ANN GLENDON

Yes, first I would like to thank our colleague Professor Donati for his valuable assistance in planning the tentative programme for next year's conference on 'Intergenerational Solidarity, Welfare, and Human Ecology'. We envisage proceeding as usual through five sessions, starting with a paper on the state of the question as it appears currently in Catholic Social Doctrine. Then we plan to have a presentation on *les données démographiques*, a global picture of the generational changes and changes in family structure that have been very pronounced in many parts of the world. We will then move to a consideration of the various ways in which the changing relations between the generations have affected welfare states and the provision of care for dependents in countries where the welfare state is minimal or non-existent. The problems will be examined in relation to the four pillars of support and security: the family, market, work, government, and the mediating structures of civil society. We will try to do all of this on a thoroughly cross-cultural and cross-national basis. Of course that is very ambitious but we will do our very best to organise it in that way.

EDMOND MALINVAUD

No remarks? No questions? All right, we will move on and after 2004 arrives 2005. For 2005 we do not have any specific project at present so there are various possibilities. I will not list all the possibilities, I suppose it is up to the Council to examine all the possibilities, I will just mention one possibility that was envisaged at the Council last Thursday, when we considered as a possibility to have something a bit special in 2005 which would be more methodological, philosophical, I do not know, which will be essentially to see and discuss how the various social science disciplines represent the human person, whether it is a direct actor or whether it acts through organisations or firms, and what are the fundamental problems in this representation of the human person in various disciplines with respect to Christian anthropology. You may have noticed that Patriarch Scola this morning when he spoke mentioned this question as being something important in relation with what the economists do, and indeed the economists are particularly challenged on that point among the social scientists' quarter. Now, one possibility would be to discuss that not only in economics but also in various currents of sociology and perhaps in law and the like, so that will be a possibility. Does this possibility appear attractive to you?

PARTHA S. DASGUPTA

Mr Chairman, your suggestion is excellent. I believe it will be most illuminating to study the representation of human nature in the various contemporary Social Sciences, possibly too in the Humanities today (e.g. Art and Literature). More than a decade ago the Council for Justice and Peace invited economists from various parts of the world to answer a set of questions that were posed to them. I myself found that the questions, taken together, amounted to an overarching question: How do the Social Sciences today model Human Agency? I believe we should return to this question periodically; it is of immense significance. May I make another point, Mr Chairman? Some years ago I was invited to attend a meeting on the Natural Environment at the Pontifical Academy of Sciences. I was invited presumably because the natural scientists wanted to hear what economics had to say on the economics of the natural environment. Should we have a meeting on the subject you have just suggested, I believe we should invite Academicians from the

Pontifical Academy of Sciences. Academicians in the fields of psychology, evolutionary biology, and ecology, would have much to contribute to our deliberations.

EDMOND MALINVAUD

On my agenda. Now in that case of course what is being said today is not the end of it. You can write to me about what is proposed after you reflect on the advisability of what has been expressed. So the next point, the next and last point is what I can say today about the fact that a number of us, actually a majority of us present Academicians now, were appointed in January 1994 for ten years, so that a decision will have to be taken whether some of us are renewed, or none of us, or all of us and of course that is something which is of some interest to you, I assume, but I really cannot say much about that. But the only thing I can do is to make a forecast of my own, which is, first, that I suppose it is a likely hypothesis that attention will be brought to the contributions made by the various Academicians during these past ten years to the common work. Attention will also be brought to the prospect of contributions coming from each individual Academician during the next ten years, since a new appointment in January 2004 will be for ten years again. And perhaps when we think about that, when we think that we are now six Academicians over eighty, we will think that it is conceivable that the six of us will be seen as old Academicians, still Academicians probably, if there is no objection to that, but really not counting. That is to say, Academicians who have less or fewer and fewer duties as we get older so that we are not counted and the maximum number of Academicians that could be appointed, according to our Statute, will be enlarged by this number of older Academicians, perhaps still active. So total speculations of mine but I think in this direction it is also likely, I would say, that the majority of all those Academicians that were appointed in January 1994 will be appointed again, again a guess, that is all I can say today. There is one question I want to ask to you because the Council entertained an idea which really was not mine but it does not mean that the idea was not good: the idea was to write to each one of those Academicians appointed in January 1994, I would write myself, sign myself a letter asking each one of them whether they would object to being reappointed. Now, I won-

der whether this letter would be well received by those who are present here and by those who are not present here today and what is your advice on that, is it a useful step for me to make or is it something unwise? So, members of the Council, you were favourable to that letter, if I interpreted right what you said on Thursday. So, Llach?

JUAN J. LLACH

Well, perhaps you can go for the negative side, I mean, if someone does not want to be reappointed she or he can tell you.

EDMOND MALINVAUD

How will he know that he can tell me? So I have to write to him and say, I write to you...

JUAN J. LLACH

Write to the ones that are not here now.

EDMOND MALINVAUD

Yes, I know that.

JUAN J. LLACH

Write to the ones that are not here today.

EDMOND MALINVAUD

So I will write only to those who are not here today. Today now. That is your advice. Because those who are present here would manifest themselves if they did not want to be reappointed, that is your assumption, or at least they would know that they would have to announce it later. Professor Schambeck.

HERBERT SCHAMBECK

President, Ladies and Gentlemen, it is extremely valuable that President Malinvaud has raised this matter, which will certainly concern us over the next few months. I would like to answer by saying that the list that was drawn up of Academicians in 1994 should be looked through and we should ask who has hardly ever come or who has not come very frequently, because there are some who have always come and some who have hardly ever come or have come for a very short period of time if they did come. I think that is a question to be put because we have a limited number of seats available so it is very important to ask, 'Do you have time for that membership?' Not just to appear a VIP for a few minutes but to be a member of a scientific academy and to carry out the work of an Academician. I think we need to look at statistics, who came and who did not come and who made what contribution and who made no contribution and who was silent, because that is where you can see the value, and then I would like to contradict Mr Malinvaud, I am not among the eighty year olds, but what I wish to tell you is that those who are around eighty or over are fully fledged members of the Academy and we should continue to have them as members, because some elderly members of the Academy have given young people an example and we should not constitute an age limit, and if they have made a contribution we should not relinquish further cooperation. I think the Holy Father constitutes an excellent example. I think of the thousands of young people who applauded the Pope in Madrid recently. The former Austrian Chancellor Alfons Gorbach said it does not matter how much older you get, it is how you age, so this is what I want to say. Thank you.

EDMOND MALINVAUD

Thank you very much. Who else wants to speak? Professor Skubiszewski.

KRZYSZTOF SKUBISZEWSKI

Thank you Mr Chairman. It seems to me that there is a consensus regarding your proposal that you write to the members concerned. We need to know where we stand. Maybe there are members who do not

wish to continue, but they themselves should say this. It appears to me that your proposal is not only acceptable but I think it has already been accepted by consensus. What Professor Schambeck just said, that we draw up a list of those who are inactive and who have not contributed to our proceedings, is useful. I think you could write letters to those members. I have full confidence in your diplomacy and in your capacity in draft those letters and I am sure matters will become clear after that. Thank you.

RENÉ RÉMOND

The question is very important, it is the first time that it has been raised in our Academy and it is also put to all companies. It is to strike the right balance between continuity and renewal so we cannot take a stand here because it is a problem of the distribution of the different disciplines and the distribution of countries. The mandate is a very long one, ten years, and I think we need to strike the right balance. We should exclude the extreme solution, general renewal or dismissing everyone. I think the renewal needs to consist of between half and a third of the members to maintain the vitality of the members. I think this is the first matter and then obviously everybody will make their choice. We cannot just leave this up to each of our initiatives, it is a collective decision, we need to ensure another ten years, it is a long mandate, so I think the renewal needs to be sufficient enough to allow new members to be introduced for a new thinking to flow into the Academy.

HANS ZACHER

Regarding the proposals concerning colleagues who are around the age of eighty or over, we should find a way to permit their ongoing collaboration in the Academy. However, they should no longer be counted towards the maximum number of members. This upper limit, which is currently set at forty members, would thus have to be relativized accordingly. In this way the Academy should be enabled to gain new members, while at the same time giving the members aged eighty and over a greater margin for cooperating in the work of the Academy or for refraining therefrom. I would like to give an example to elucidate this

idea. Were Father Schasching's membership not to be prolonged due to his age, he would – under the current regulations – be excluded from the work of the Academy. That would be a very unreasonable development. We therefore ought to ask the President, Professor Malinvaud, to submit a proposal to the Holy See for a corresponding amendment to our Statutes.

PARTHA S. DASGUPTA

I would like to add an extension to Professor Zacher's eminently sensible suggestion. In the British Academy, of which Mr Chairman, you are a Corresponding (Foreign) Fellow, there is a 'nominal list' (consisting of Fellows below a certain age, 67 I believe) and there is a 'maximal list' (consisting of all Fellows). Only Fellows in the nominal list are eligible to vote, attend sessional meetings, become members of Council; in short, it is they who run the Academy. But a Fellow is never taken off the list, they remain Fellows and adorn the Academy. In its annual report, the British Academy lists Fellows on its nominal list in bold. I think it would be a loss to our Academy here if names of Academicians were dropped once their term of service had ended.

PIERLUIGI ZAMPETTI

I want to put a question. In the Statute of the corresponding Academy of Sciences there is no ten-year limit. I would like to know whether that Statute was changed or whether it is still in force, because they are sort of linked, since the Academy of Social Sciences and the Academy of Sciences are in the same building. Thank you.

EDMOND MALINVAUD

We do not have the same Statutes. The Academicians of Sciences are appointed for life, we are appointed for ten years.

PIERLUIGI ZAMPETTI

What is the reason for the difference?

EDMOND MALINVAUD

I do not know the reason and I cannot just pull it out of my hat like that. Raga.

JOSÉ T. RAGA

Just two words to follow what Dasgupta mentioned. If the President is going to ask for some amendments in the Statutes, it could be possible to create a category of Emeritus Academicians, I mean those that are outside of the day-to-day activities but that at the same time, it would be very nasty just to eliminate and to forget the persons who have served the Academy for such a long time.

EDMOND MALINVAUD

I would be rather bothered by taking a personal case but if Academician Nakamura who did not come one single time, who did not write to me one single time, he wrote to the Chancellery once, I think, were to be appointed as Emeritus, I do not think there is a reason to appoint him as Emeritus, we do not even have this category in our constitution, this is a fact.

JOSÉ T. RAGA

I fully agree with you. In my scheme there will be not automatic nomination as Emeritus, in this case because this would be a person who must be out because of non-activity reasons; on the contrary, I am talking about persons who are coming yearly and contributing in the way of their forces to do the glory of the Academy, to its interests and to its goals.

KRZYSZTOF SKUBISZEWSKI

I am sorry, Mr President, to take the floor for the second time but I have the impression that in this debate two different questions have been mixed up. One is your starting issue, that is, how to proceed with regard to those who have already sat in the Academy for ten years: that is a matter of our Statute, this must be clarified. The other question is

what to do with persons who are eighty or more years old, whether to create a special category. That is something else and I think we should not discuss it today. Members can write to you and submit proposals on this, but it is not up to us to amend the Statute. Of course, we can make recommendations, but let us first do what you have suggested, i.e., clarify the position of those who were members for ten years. Thank you.

EDMOND MALINVAUD

Schambeck.

HERBERT SCHAMBECK

Mr Chairman, Ladies and Gentlemen, after I witnessed the foundation from the very beginning, the idea to limit membership to ten years – and this actually was an idea of Father Shasching himself – was not an external wish, it was Father Schasching himself who had suggested a ten-year mandate.

OMBRETTA FUMAGALLI CARULLI

I think this issue is a matter of canon law, Mr President, because we find ourselves faced with a Statute of a Pontifical Academy which should be interpreted according to the rules of canon law since the Academy belongs to the canon order. It seems to me that the ten-year mandate should not be viewed as a real revocation, because it is then up to the Holy See to extend this or not. My impression, and I am telling you this as an expert of canon law, as a scholar of legislative texts and this is a legislative text, it is secondary law but still a legislative text, is that we have to see the interpretation that is given by the Holy See to it. Within the canon order and within the Roman Curia, which the Pontifical Academy is part of, there exists the Pontifical Council of Legislative Texts. And should we not have clear ideas with informal contacts, which I think should be engaged in, we could ask the Pontifical Council of Legislative Texts for advice. I have not read the Statute and do not have it with me but my impression, taking into account analogy between texts that exist of this kind, is that these ten years are not to be considered as a revocation. Academicians can certainly be renewed but not based on their own wish. It is a decision that is to be taken by those who have the right to appoint.

EDMOND MALINVAUD

Thank you very much. Well, that is how I had understood the Statutes in fact. Well, I think that... Minnerath.

ROLAND MINNERATH

I do not fully agree with our Colleague. It seems to me that the Academy is not an ecclesial body. So general canon law is not really applicable. What is applicable is the Statute. This Academy was drawn up with its own Statute. So precedence has to be given to statutory law and if this law foresees ten years, it is ten years, and there is no discussion.

BEDŘICH VYMĚTALÍK

Well, I do wish to say something at this point. I do not see any problem here. If the Statutes say that we are elected for a ten-year period, we are elected for ten years. I have a proposal, it would be advisable to discuss this with each one separately and to ask them if they wish to be reappointed or not, what problems they may have or how they envisage it. As far as I am concerned, I can tell you I have attended every meeting and nevertheless I feel I should conclude my work with you, first of all on account of the fact that I do not know languages very well, I cannot express everything that I wish to say be it in English or in German, so for me it is very clear, I was very happy to have been here, it was very enriching for me after communism, during communism we did not have the possibility of coming to events of this kind, it was a wonderful experience for me personally, but I would terminate my mandate.

EDMOND MALINVAUD

Madam.

OMBRETTA FUMAGALLI CARULLI

President, I have looked at the Statute that was just given to me and I can reassure Monsignor Minnerath that I do share his views. The Statute is part of the secondary law that gives autonomy to the Academy. I would have said the Pontifical Council if there had been anything not

clear in the Statute but Article 5 of the Statute is very clear. It says that Academicians are appointed for a period of ten years and can be reappointed directly by the Holy Father after consulting with the President and the Council of the Academy. I do not think that there is any difficulty in interpreting the Statute, the Statute is very clear, it is not the fact that after ten years an Academician loses the right to be reappointed, but after ten years the supreme authority which is the Holy Father has to reappoint the members but the President and the Council are involved. I thought that the President wished to know from those who are not part of the Council if it was advisable or not for him to send out that letter. I think we need to thank the President for being so attentive to the Assembly but I think we all agree that the procedure to be followed is to examine the criteria that are to be submitted to the Supreme Authorities for the possible reappointment. My hope is that those who were appointed in 1994 will still remain, if I may say so, even if I am the last to have arrived, because the experience that has been accumulated over these years will certainly prove fruitful for the future, both to continue the positive aspects and to avoid some negative aspects that have emerged, such as the one Professor Archer mentioned, of finding a new channel, and if the new Academicians do not have the older ones around them, they may fall into the same traps. So this is my personal hope, but it is up to the Pope's authority to decide and the President and the Council will certainly know how to provide the best suggestions. Thank you.

The Pontifical Academy of Social Sciences was established by the Holy Father John Paul II on 1 January 1994 (AAS 86 [1994], 213), with the aim of promoting the study and progress of the social sciences, primarily economics, sociology, law and political science. The Academy, through an appropriate dialogue, thus offers the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in contemporary society. The Academy, which is autonomous, maintains a close relationship with the Pontifical Council for Justice and Peace.

(Statutes of the Pontifical Academy of Social Sciences, art. 1)

