

# **Marktwerking en publieke belangen**

Een analyse vanuit het neoliberale denken  
en de beginselen van subsidiariteit  
en soevereiniteit in eigen kring

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## **Samenvatting (Engels)**

### **The market and public interests: an analysis from the perspective of neo-liberal thought and the principles of subsidiarity and sphere sovereignty**

#### **Introduction**

The market has become an important coordination mechanism in the economy, defended in politics of the last decennia. Governments have argued the importance of the market to reconcile supply and demand. The market was also considered a good mechanism to serve the public interest of society. This development has been propagated by the neo-liberal thought that gained significant influence in economic politics in Western Europe and the USA from the 1980ties. Friedrich von Hayek and Milton Friedman, amongst others, have contributed significantly to the neo-liberal thought and advocated economic freedom and individual freedom in a spontaneous market order of society.

Public interests are defined in this thesis, as interests, which people, as part of a public community, have in common. Safeguarding of public interests has become more obscure and increasingly difficult due to applying the market mechanism to more and more domains of society. The care for public interests has narrowed down to the economic public interests only, since governments and authorities have focused on promoting the market. Moreover, vacant responsibilities for the public interests arise in e.g. banking, pharmaceutical industry and the energy sector, because governments have withdrawn to let the market take over, and/or because globalization makes it increasingly difficult for governments to take care of the public interests of their own societies.

These vacant responsibilities become apparent when structures in society are fundamentally changing, e.g. due to globalization. Then also fundamental questions arise, like: what are the responsibilities of governments and businesses? What do we consider a good society? What public interests belong to that? To answer such questions, we need to dig deeper, and different ideological and philosophical traditions can help to formulate answers.

#### **Research questions**

In this thesis, we will apply the perspective of the neo-liberal thought, the Catholic principle of subsidiarity and the Reformed principle of sphere sovereignty, to identify

the role and responsibilities of governments and businesses for public interests in the context of a market society. The central questions of this thesis are:

1. What is the meaning of the principles of subsidiarity and sphere sovereignty for the responsibilities of government and companies for public interests?
2. How do these principles supplement the neo-liberal view on the responsibilities of governments and companies for public interests?

### **Neo-liberal thought: the market, public interests and responsibilities of government and companies**

In neo-liberal thought the interest of society will be best promoted when individuals pursue their self-interest in a spontaneous market order. Governments shall support a spontaneous order of the market to guarantee individual and economic freedom. Hayek identifies the market on one hand as a neutral instrument that can be used to sustain humanity, but on the other hand, he regards the market order de facto as the instrument for promoting the common good of society and the purpose of all political policy. The latter shows that the public domain of society is actually not neutral, but is interpreted on the basis of economic values only, with little attention to ethical and social issues.

From the perspective of neo-liberal thought, the purpose of business is making profit, within legal and moral boundaries. Most economic Corporate Social Responsibility (CSR) theories are based on neo-liberal thought, in which the interpretation of responsibilities is based on the market order of society. Political CSR theories attempt to make companies responsible for public interests. However, these attempts lack a vision on the fundamental responsibilities of governments and companies. Also in the stakeholder theory about CSR it is difficult to define the responsibilities of governments and companies for public interests, and there is no alternative underlying social-philosophical framework in it other than the neo-liberal thought. An alternative substantive interpretation of CSR requires an alternative social-philosophical fundament, which can support the interpretation and distribution of responsibilities between government and business for specific social issues.

### **Issues in neo-liberal thought**

A number of issues in neo-liberal thought regarding responsibilities of governments and companies for public interests are identified:

1. (Partly) vacant responsibilities for public interests

Public interests as interests that people have in common as members of the public domain of society cannot be defined from Hayek's perspective. According to Hayek, the spontaneous market order should guarantee that the interest of society is best served by letting individuals pursue their self-interests. However, if the market order cannot or will not serve the public interests, then a vacant responsibility for public interests arises.

## 2. Market oriented interpretation of responsibilities

According to Hayek, society is an economic sphere, in which individual freedom is pivotal. There is no room for other than economic values. Consequentially, little to no attention is paid to social and ethical responsibilities and the common good of communities.

## 3. The market, responsibilities and the importance of communities

In neo-liberal thought much attention is paid to the 'rule of law' and the protection of property rights. These institutions create certain level of trust. However, this form of 'generalized trust' alone is not enough for a proper functioning market. Also morally developed communities are a prerequisite to realize the necessary trust between people for the market to function well. This is an important base for the development of the market into a comprehensive social system. Due to the emphasis on individuals and the market, little attention is paid to the importance of communities, in particular to their problem solving capabilities for social issues and their role in taking responsibility.

## 4. Neo-liberal thought in an international context

The impact of the mentioned issues is considerable in an international context. While government is nationally organized, often companies are internationally organized and markets have an international character. Who is responsible for the proper functioning of international markets? And who is responsible for issues like global warming and the reduction of CO<sub>2</sub>? Hayek acknowledges the problems arising from international markets. He argues other philosophical principles are needed than those that have been developed so far in neo-liberal thinking.

### **Subsidiarity and sphere sovereignty**

In this thesis, the principles of subsidiarity and sphere sovereignty are used to give an alternative view on public interests and the responsibilities of governments and companies. From the perspective of these principles we try to find solutions for the abovementioned issues in neo-liberal thought. The principles also provide input for an alternative substantial foundation of Corporate Social Responsibility (CSR).

Subsidiarity is a principle in the Catholic social doctrine, with an ontological foundation in the world as a God-created reality, closely related to notions of human dignity, solidarity and common good. Subsidiarity means that responsibilities of lower communities should not be taken on by higher communities. It also means that higher communities should offer support to lower communities in their pursuit of the common good, with the aim of making the community self-supportive again.

Sphere sovereignty is also founded in the divine order of reality. Sphere sovereignty emphasizes that reality consists of different aspects (social, ethical, economical etc.) that are irreducible to each other, but also function in relation to each other. Social structures have their own responsibilities arising from their structural principle and their qualifying function. The juridical qualifying function, public justice,

sets boundaries to acting of governments; the economical qualifying function, solving scarcity in a responsible way, sets boundaries to acting of companies, etc. Each social structure has to respect the sphere sovereignty of other social structures.

### **Solving issues in neo-liberal thought**

Both the principle of subsidiarity and sphere sovereignty provide answers to the abovementioned issues in neo-liberal thought. Dooyeweerd explains the public interest from the notion of public justice. Public interests are broader than the promotion of the market order only. According to sphere sovereignty, governments should weigh individual and public interests to promote public justice, whilst taking into account the sphere sovereignty of social structures. Catholic social thought stresses that markets should be embedded in morally developed social structures, which strive for the 'common good'. Governments should act subsidiarily, focused on common good. In this way, ethical and social issues can be addressed in the public domain of society.

According to the principles of subsidiarity and sphere sovereignty, society is much more than a system, which reconciles supply and demand on the market. The economic aspect is only one aspect of society and human existence. The market by itself does not ensure a good society. It is an instrument that can serve society only if it is embedded in morally connected communities. In Catholic social teaching, economic activities, markets and communities are part of the same society, oriented towards common good. From the perspective of Dooyeweerd, partnerships like the market, are embedded in social structures. Individualization tendencies stimulated by the market need counterbalancing by institutional and social structures. This is an important addition to neo-liberal thought.

The principles of subsidiarity and sphere sovereignty offer an alternative for the market-oriented interpretation of responsibilities of social structures (including business). The principle of subsidiarity stresses the responsibilities of social structures for the whole of society in relation to common good. Social structures are primarily communities of people where notions of human dignity, solidarity and common good are important. These notions and orientation of communities towards common good should not be replaced by the market. The principle of sphere sovereignty stresses the substantial nature of social structures based on their structural principle. This defines the purpose of the social structures and the basis for the related responsibilities.

Furthermore, the principles of subsidiarity and sphere sovereignty provide important tools to set boundaries to the acting of social structures. According to the principle of subsidiarity, the boundaries are set by the common good and subsidiarity. According to the principle of sphere sovereignty, the boundaries are set by the specific nature of social structures.

The principles of subsidiarity and sovereignty also provide another substantial interpretation of the responsibilities of companies. Companies do not only have a place

in the order of market, but also in the order of society. According to subsidiarity, the responsibilities for common good should not only be concentrated at governments, but all private actors, including companies, should strive for common good. Governments intervene subsidiary only when companies cannot or will not take their responsibility. The principle of sphere sovereignty contributes to the substantial interpretation of corporate responsibilities by emphasizing various aspects of the responsibilities of companies. In this study, Carroll's CSR pyramid was interpreted from Dooyeweerd's perspective, wherein various aspects of the company such as the economic, legal and moral aspects are succeeding each other. Due to the simultaneous realization of norms, governed by their main economic destination aspect, companies should also be oriented towards society.

### **Case study**

The implications of neo-liberal thought and the principles of subsidiarity and sphere sovereignty for the responsibilities of governments and companies for public interests are summarized in a research model. The model is tested in a case study about serving the public interest in the pharmaceutical sector. The specific research question is to what extent governments may request insight into the cost structure of pharmaceutical companies, driven by the high prices of medicines. From the neo-liberal point of view, asking for insight into the cost structure of pharmaceutical companies cannot be legitimized. Governments can make only general rules against inappropriate monopoly positions. Therefore, based on neo-liberal thought, the market order in the pharmaceutical industry does not have to lead to affordable medicines from a moral point of view. Medicines have to be traded via the market. Ethical and social issues like the availability and accessibility of medicines are not addressed in the market.

Based on the principle of subsidiarity, governments may only request insight into the cost structure of companies if pharmaceutical companies are unable or unwilling to take their responsibility for the common good. Another important addition to neo-liberal thought is that social structures, for example trade associations, can be considered as intermediaries for the common good of society, instead of representing only the private interests of pharmaceutical companies.

According to the principle of sphere sovereignty, governments are allowed to intervene if individual interests of pharmaceutical companies violate public health interests, for example if pharmaceutical companies exploit their monopoly position by charging very high prices. Hospitals, health insurers, industry associations and doctors' organizations play an important role based on their own responsibilities, in keeping society in balance by providing a counterweight to the interests of pharmaceutical companies.