

A PERSPECTIVE OF SOCIAL JUSTICE FROM THE HUMAN RIGHTS STANDPOINT

KEYNOTE ADDRESS

THE SYNERGOS INSTITUTE'S 2003 GLOBAL SENIOR FELLOWS MEETING
OAXACA, MEXICO, MAY 18TH – 21ST

JOSE BERNARDO TORO A¹.
Pontificia Universidad Javeriana
(Bogotá, Colombia)

INTRODUCTION: THE 20TH CENTURY, THE CENTURY FOR AN ETHICAL PROPOSAL

When by the middle of the Twenty-First Century the new generations wonder about the main legacy of the Twentieth Century, undoubtedly the answer will be: The Universal Declaration of Human Rights (December 10, 1948)

Since ancient times, the greatest political and spiritual leaders have striven to set forth humanization codes: The Hammurabi Code, the Deuteronomy by Moses, the *Carta de Toledo* from 502 A.C., John Lackland letter in the 13th Century, the American Declaration of Independence, the Citizens' Rights Declaration issued by the leaders of the French Revolution, etc.

All these declarations have been oriented to keep control over possible misconduct from the government, to prevent barbarism, to institute fair relationships between the people and their political leaders, to establish brotherliness and peaceful coexistence among individuals. All of these proposals have contributed to meet the big challenge of mankind: to evolve from the primitive behavior of the pack to the acceptance of solidarity and brotherly ways of living among members of a given community and between different communities. However, all of these proposals were made for specific people. They were not suitable for all societies and could not be applied in a general way to all of them.

It was the pain and the horrors of World War II what summoned all nations to establish a world agreement for humanity. Such is the meaning and the importance of the Universal Declaration of Human Rights: for the first time we undertake, as human beings, a universal project of humanization for ourselves; we also attempt to bring about a sense of equal dignity for all.

Later on (December 16, 1966) the *Bill of Civil and Political Rights* and the *Bill of Social, Economic and Cultural Rights* were passed. During the early 70s the international treaties about *Collective and Third Generation Rights* (environment, public health, public space, etc)

¹ Academic Dean of School of Education, Pontificia Universidad Javeriana, Bogotá, Colombia

began to be developed. This group of declarations and international treaties for the humanization of the relationships among men and women in the world are the greatest ethical legacy left by the Twentieth Century.

If we regard Ethics as the art of choosing what is suitable for the human dignity of all, and if we accept that the Human Rights (in all the different ways they can be stated) are the universal ethical project for the human dignity, we should also accept that the reference point for defining social justice and a fair society are the Human Rights (HR). The following theses intend to expand and reinforce this vision:

MAIN THESIS:

Social Justice consists of making possible, for all members of a given society, all kinds of rights they are entitled to, including fundamental, civilian, political, economic, cultural, collective and third generation. The Human Rights are the ethical reference point of social justice.

From this main thesis, a set of more specific theses can also be proposed:

THESIS 1:

The collective purpose of creating stable conditions to make possible Human Rights for all is what defines a fair society. Making human dignity possible for all is what justifies the very existence of the society and all its institutions.

Human dignity is currently understood as what makes possible and customary the HR for all members of a given society. Nowadays HR are the appropriate criterion and the indicator to apply when analyzing and gauging the human development of a given society. The degree of human development of a given society is related to the extent to which its social, political and cultural institutions are oriented to bring about, reinforce and protect HR; and the more advanced a certain society is regarding its human development, the fairer it is.

THESIS 2:

The effectiveness and the protection of HR hinge on the ability of members of a community to associate with others within such community and to properly organize those associations. Properly organized associations induce self-regulation (both the law and interpersonal agreements are abided and fulfilled), and at the same time, they are a guarantee that HR will be exercised and protected.

Alexis de Tocqueville, trying to find an explanation for the strength of American democracy, stated in his book “Democracy in America” that in democratic countries the most important

science is the science of association and that the possibility of making progress in anything else rests on it.

The first step to overcome poverty and social exclusion is to create and strengthen organizations. The lack of organization is the greatest indicator of poverty. When people are not organized they do not feel obliged to abide the rules or to respect others nor society as a whole (they lack self-regulation). At the same time, their isolation facilitates their victimization by others (they lack social protection).

Social inclusion, that is, the real possibility of participating and enjoying actively the goods and the wealth the community as a whole has to offer, hinges on the degree of organized association of such community, for both each individual and the different groups within the community. The relevance (importance) of a given person and his ability to influence the environment he lives in are related to the amount and the kind of organizations he belongs to.

More and stronger social “web” and more connections among different organizations create more dynamism, stability and self-regulation in a community. Poverty and social injustice can only take root in poorly organized communities.

THESIS 3:

Social Justice is related to the quantity and availability of public goods citizens can access and enjoy. Equity and participation are made possible only in the presence of the public². The public is built up from within social society.

For these purposes the public means those goods that enhance everyone’s dignity in a similar manner. For example, education is public when it has the same quality for everyone. If a certain country goes content having good education for some sectors of its population and lower-quality education for others, such service cannot be called public education, even when it is paid with tax monies. Conversely, a social good is public when goods or services of comparable quality are made equally available for all citizens, even if they are provided by a private organization. When a public good is of high quality for some individuals and of low quality for others such situation is regarded as one of inequality or corporativism. Being public is a notion that goes beyond what is governmental, although the most clearly public institutions should be the Government and the Rule of Law.

Let’s consider as a citizen a person who is capable of creating or changing social order in cooperation with others in order to make possible dignity for all; then we can state that, in democracies, the public is built up from within the social society. It is the citizens who have the right to reach a consensus about what is good and suitable for all in a similar manner.

² For all purposes related to this thesis we are using the word “public” as an adjective.

It is through the creation and strengthening of public goods that civil society contributes to accomplish higher levels of social justice.

For these purposes we regard as civil society the group of people and institutions that in a given community can do whatever is not forbidden by law. Hence, civil society is the base of creativity and of social and economic diversity. Also, we regard as governmental the set of people and institutions who can do only what is clearly allowed by the Rule of Law with public knowledge about it.

THESIS 4:

The creation of economic, political, social, cultural and environmental wealth is the fundamental task of the three sectors that make up a community, as they strive to accomplish higher levels of social justice.

The three sectors that make up a community are: 1) the set of governmental institutions; 2) the for-profit businesses and organizations; 3) the non-for-profit institutions and organizations (foundations, NGOs, etc).

For these purposes we regard as wealth the set of goods, services, values and relationships that men and women in a community can enjoy and take advantage of in order to live freely and with dignity.

The wealth of a given community is the output of the economic, political, social, cultural and environmental productivity such community is capable of creating. Social justice is related to the available amount of such wealth and to how well it is distributed among the individuals. It is the task of the three sectors to create wealth to overcome the prevalent inequality. These kinds of productivity are defined as follows:

Economic Productivity: Is the ability of a community to use, in a rational way, all its resources to produce goods and services that contribute to enhance human dignity, which means, that contribute to make HR possible for all. From the HR perspective not everything that is profitable is also ethical.

Political Productivity: Is the ability that the individuals and the organizations of a given community have to make their own interests converge towards the creation of public and collective goods that contribute to make human dignity possible. The most fundamental role of politics is to create collective interests, build up collective interests from multiple individual interests. It is the existence of collective interests what allows a society to make progress.

Social Productivity: Is the ability a community has to define and create organizations and institutions capable of making easily the transactions they need in order to increase citizens' participation and inter-relation between institutions. One institution's strength and

importance hinges on its ability to promote and achieve an increasing number of positive transactions (those that favor human dignity).

Cultural Productivity: Is the ability of a community to bring about stable conditions so that the different meanings created by diverse groups and sectors within the community can circulate and compete under equal conditions. Social exclusion is one of the most severe forms of social injustice because it conceals and prevents the circulation and competition between different ways of understanding life and the world we live in, including those of the black, the native cultures, the grassroot communities, the immigrants, etc.

Ecologic (or environmental) Productivity: Is the ability that a given generation has to understand, develop, protect and save the planet's resources while living with dignity and securing that future generations can also survive and live with dignity.

Social justice is defined as the abundance and the adequate distribution of all these kinds of wealth. Greater abundance is achieved when civil society (understanding by that the second and the third sectors) and the Government work side by side in order to create such wealth. This is what we call the Social State under the Law.