

THE MEANING OF SOCIAL JUSTICE

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ABSTRACT

This paper showcases the context of social justice as well as the development of modern concept of inclusive distributive justice. Looking at treaties, protocols, and universal human rights as bases of fundamental objective of the right to life and the dignity of human persons, as well as in lay man's term, it touches the concepts of primary social goods such as rights, liberty, and opportunity. Essentially, summarizing the term as opportunities and aspects of institutions that the citizens should have in order to live a sense of their own worth as moral persons and thereby, realizing the individual's highest interest and advancing people's self-confidence and self-worth.

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In general terms, social justice or distributive has been understood as "giving to each what he or she is due." More specifically, it has been referred to as the "notion that individuals ought to receive the treatment that is proper and fitting for them," thereby bringing to the fore the concept of "fairness" and "rightness" by which benefits and burdens are distributed among peoples, communities and nations. Another thinker stepped back to look as well at the sources of the elements being distributed and defined social justice as being concerned with distribution benefits and burdens that are a result of social relationship and institutions. The Center for Economic and Social Justice (CES) in Washington D.C. elaborated on this definition, *viz*:

Social justice **encompasses economic justice**. Social justice is the virtue which guides us in creating those organized human interaction we call institutions. In turn, social institutions, when justly organized, provide us with access to what is good for the person, both individually and in our associations with others. Social justice also imposes on each of us a personal responsibility to work with others to design and continually perfect our institutions as tools for personal and social development.

In more practical terms, Mick Dodson, an Australian Social Justice Commissioner, describe social justice, *viz*:

Social justice is awakening in a house with adequate water supply, cooking facilities and sanitation. It is the ability to nourish your children and send them to school where their education not only equips them for employment but reinforces their knowledge and understanding of their cultural inheritance. It is the prospect of genuine employment and good health: a life of choices and opportunity, free from discrimination.

Three distinctive features of social justice

A universal definition of social justice also known as distributive justice or eco justice is elusive, but with all its nuances and refinements, at least three important points on social justice, based on literature on the subject, need to be highlighted:

- 1) The benefits or goods to be distributed are not just income and wealth (economic goods) but also those that people need and care about (social goods) such as political power, access, liberty, opportunity and the bases of self-respect.
- 2) The distribution of what is “due” must be based on at least three criteria (i.e., rights, need, deserts/merit) to achieve **fairness and rightness**. These criteria would guarantee the security of expectation and freedom of choice (rights), recognize the distinctive value of each person’s actions and qualities (merits), and provide the prerequisites for individual satisfaction (needs).
- 3) It involves relationship among actors who individually contribute (burden) and, in turn, receive (benefit) from the results of the relationships and outcomes of the contributions.

Inquiry on inclusive distributive justice

Among the contemporary thinkers, John Rawls inaugurated the inquiry into the issue of what it is, the just society, should equalize across persons. In his phenomenal work, **A Theory of Justice** (1971), he listed the **primary social goods** for all persons on broad categories, as rights and liberties, opportunities and powers, and income and wealth. Later, he specified the five primary goods or categories of such goods: (a) basic liberties, including freedom of association, liberty and so on; (b) freedom of movement and choice of occupation; (c) powers and prerogatives of offices and positions of responsibility; (d) income of wealth; and (e) the social bases of respect. The last is defined as “those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons and to be able to realize their highest-order interests and advance their ends with self-confidence.”

Years later, the Noble Prize-winning economist Amartya Sen argued that the egalitarian focus **should not be** on the equality of primary goods as conceived by Rawls, but on what goods do for people, short of providing idiosyncratic welfare: they enable people to escape morbidity, to be adequately nourished, to have mobility, to achieve self-respect, to take part in the life of the community, and to be happy. Sen calls these “doings and beings” as **functionings**. For him, incomes should not be equalized, but distributed in manner that equalizes the **functionings** that persons can achieve. For example, a handicapped person will generally require more income than an able-bodied one.

The development of the modern concept of inclusive distributive justice in the last two centuries coincides with the genesis of the concept of universality of human rights soon after the Second World War. The various human rights covenant came as response to the world’s outrage over the Nazi atrocities of enslavement, torture, and genocide. On December 10, 1984, the UN General Assembly adopted and proclaimed the Universal Declaration of Human Rights. This declaration affirmed the importance of civil and political rights such as the rights to life, liberty, and equality before the law, and more controversially, the importance of

social and economic rights. In 1966, the United Nations General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and the Optional Protocol to the Civil and Political rights providing for the mechanism of checking state compliance to the international human rights instruments. These treaties entered into force in 1976 and are binding as international law upon governments subscribing to them. The basis of the covenants is a common agreement on the fundamental objective of the dignity and worth of the human person.

Social justice and human rights are two sides of one coin. The bulk of the declarations in international human rights instruments carries a common, three-fold theme that resonates the modern concept of social justice or distributive justice: the right of every human being to participate in shaping decision that affect his own life and that of his society (freedom to decide); reasonable access to the economic resources that make that participation possible (equality/equity of opportunity); and affirmation of the essential human worth and dignity of every person, regardless of individual qualities and/or group membership (dignity or person). The right to life is the single most basic human right. The fundamental principle behind this right demands that every human being should have access to the economic resources that maintain life. Without sufficient economic maintenance such as work, food, shelter, and clothing, all the other rights and freedom are virtually meaningless. The human right to economic maintenance includes not only the right to the minimal life-maintaining essential which were also provided to “chattels” under slavery, but also right to an adequate standard of living and to the kinds of public services, such as medical and health care, social services and, especially, education which afford the basic supports for a decent living standard for everyone in modern society.

Internationally endorsed human rights principle enshrined in the UN Charter, International Bill of Rights, and related treaties and covenant provide an overarching paradigm for social equality and social justice for all humanity. International human rights belong to every human solely by virtue of his/her membership in human kind and not by virtue of any special merit. The biological unity of humankind emphasizes the oneness of

all human being as member of the same human species and acknowledges the close affinities among members of the human population.

According to [Jose P.] Laurel, the promotion of universal rights correlative with the pursuit of social justice is a function of the state. The trend towards globalization challenges the degree of intervention the State should take to equalize people. But as Amartya Sen says: "The real debate on globalization is, ultimately, not about the efficiency of markets, nor about the importance of modern technology. The debate, rather, is about the inequality of power, for which there is much less tolerance now than in the world that emerged at the end of the Second World War." The fault line is between the powerful and powerless, the haves and have-nots, and the excluded and included.

To protect the market and its own legitimacy, the state needs to intervene with corrective mechanisms when marginalization occurs. National political authorities "will retain a unique advantage in justifying extraction for redistribution purposes." States have the freedom and duty to pursue human development. Nevertheless, there appears to be a consensus that economic globalization encourages states to keep social welfare spending low and give priority to balancing budgets and avoiding high taxation rates. In this precarious situation, the human rights approach lends an effective mechanism as it carries a legal obligation. Policies must be in conformity with human rights obligations. The difficulty arises when states accept other legal obligations such as frameworks of international organizations that contradict human rights obligations. The human rights regime then becomes a most useful tool for social mobilization, especially of those excluded or abused by the market. In a democratic landscape, concerned groups can rely on freedom of expression and association to open up a political space where their demands can be heard, whether anchored on civil, political, economic, social or cultural rights. Their claims can be brought before a judge. Privacy rights, for example, are at the core of discussions about regulation of the internet, a major avenue that facilitates the globalization of exchanges. Already, in other jurisdictions, cases have been filed and decided by courts.

Approaches in promoting inclusiveness

The exclusiveness of the global market needs to be countered by the inclusiveness of human rights and social justice. In this regard, civil society organizations (CSOs) and others in the citizenry can pursue an inclusion framework that demands identifying and dismantling barriers of discrimination and privilege to ensure that opportunities reach those left out of development. John D. Clark, former manager of the NGO and Civil Society Unit of the World Bank and advisor to governments on development and civil society issues, identifies four practical strategies;

- 1) *Participation*: ensuring that people have influence over decisions affecting their lives. This concerns ways in which poor people exercise their voices through new forms of deliberation and mobilization so as to influence large institutions and their policies (Gaventa et al. 2002). Participation is about active, as opposed to passive citizenship -- "making and shaping," not just using and choosing. Institutions rarely offer structures allowing such democratizing of influence, hence the importance of CSOs working at the local level as mobilizers and conduits for this voice.
- 2) *Empowerment*: helping people see their own potential as active agents in development. Even if the state affords people rights of active citizenship, most of the poor don't take advantage because they see themselves as powerless or fear reprisals. Empowerment comes through right-awareness work and linking people in similar situations (including those in different countries). This is also usually enabled by CSOs and is most advanced in countries where there is a strong civil society sector.
- 3) *Equity*: ensuring that laws, services, and opportunities are affordable without favoritism and that the benefits of development are broadly shared, Laws may require this but inequalities remain, perhaps because the elites are skilled at

annexing the benefits or because staff in the delivery agencies don't care about the poor. Independent watchdogs and campaigning organizations are usually needed to wrestle against such in-built prejudices.

4. *Security*: ensuring that the most vulnerable people get the most protection. Every society experience shocks, and the weak are least able to sustain them. At times of crisis, governments take protective steps, but these often attend to the big actors in the national economy, leaving the weak to fend for themselves. CSOs often have good records for providing safety nets in such situations and for advocating to governments macro-strategies that pose fewer risks. Their efforts help to ensure that the poor are included in bad years as well as good.

The universal debate on social justice notwithstanding, our 1987 Constitution appears to have perpetuated Laurel's idea of social justice. The 1935 and 1973 Constitution devotes an entire article to social justice and people participation. Article XIII of the 1987 Constitution on Social Justice and Human Rights provides, viz:

Sec. 1. The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, reduce, social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good. To this end, the State shall regulate the acquisition, ownership, use and disposition of property and its increments.

Sec. 2. The promotion of social justice shall include the commitment to create economic opportunities based on freedom of initiative and self-reliance.

Sec. 16. The right of the people and their organizations to effective and reasonable participation at all levels of

social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms.

The right to a healthy environment is a human right

Before I put a close to this discourse on social justice, I like to make a short shift of the idea of sustainable development as I respectfully submit that especially considering the alarming statistics concerning our environment, sustainable development should go hand in hand with social justice. Briefly, sustainable development has been defined by the World Commission on Environment and Development as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs.” The unsustainable use of natural resources in this generation would deprive future generations of the earth’s wealth and bounty, thereby pushing the goals of social justice beyond reach. The Philippine is now considered a major “ecological hotspot.” While our country is extremely wealthy biologically and is home to a wide diversity of living organisms, it has had one of the highest rates of biodiversity loss in recent years. Forest cover is down to 18%, putting in precarious balance the lives of 284 endangered species of plant and animal life in 1998. We are rapidly losing our freshwater resources. with 158 major rivers unfit for drinking and 50 rivers biologically dead or cannot support any form of life. Recently, it was reported that the Philippines is on top of the list of countries most affected by global warming. These figures should serve to us as early warning device of the impending darkness of our future thick enough to be felt now.

The universal human rights regime and its concomitant inclusive social justice contribute to addressing the adverse ecological consequences of economic globalization. They enable individuals to challenge the impact of environmental degradation on their own lives. In Latin America, for instance, the individual human right to a healthy environment is gaining recognition in both regional and domestic case law. In terms of social mobilization, human rights serve as a convergence point in forging alliances between the environment and human rights movements.