

# Promotio Iustitiae



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## Making justice a reality in the 21st century

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In the last 40 years, the apostolic body of the Society of Jesus has taken the link between the defence of faith and the promotion of justice seriously. This apostolic body includes Jesuits and many others who share the Ignatian spiritual inspiration, and take direct responsibility for works and actions of the Society or contribute to them in other ways.

### Taking justice seriously

In the last 40 years, the apostolic body of the Society of Jesus has taken the link between the defence of faith and the promotion of justice seriously. This apostolic body includes Jesuits and many others who share the Ignatian spiritual inspiration, and take direct responsibility for works and actions of the Society or contribute to them in other ways. The term apostolic body refers to a large number of diverse groups – about which it is possible to make general observations – trying to connect faith with justice, as insisted on by the 32nd General Congregation: Since evangelization is proclamation of that faith which is made operative in love of others, the promotion of justice is indispensable to it. What is at stake here is the fruitfulness of all our apostolic endeavours (Decree 4, 28-29).

It is clear in the multitude of social works, the significant emphasis of our theological thought, the socio-economic positions taken by Jesuit magazines, and the conflicts in which we have been involved, sometimes with fatal consequences, that this conception



of the mission has been taken with great seriousness by the Society. Moreover, it could be one of the underlying and persistent dimensions in most of the works of the Society, including those which at first glance seem to be less 'social'. The reader can look for his or her most appropriate example. It is uncommon to find a Jesuit college, university, parish or spiritual director which in some way does not raise awareness of the plight of the poor and marginalised, encourage analysis of the causes of their circumstances, and provide opportunities for contact or direct work with them, creating the impetus to make a deeper socio-economic commitment.

This is the first way we seriously address the question of justice which could be described as subjective. After a number of years of effort and discussion, including internal debate, we have firmly established a commitment to justice as a gospel requirement. In other words, it expresses who we are; it expresses our experience of faith. This subjective dimension has been spoken

and written about in many Jesuit environments over the last few decades.

However, there has been less internal debate on the objective dimension of our commitment, which poses question: of what does bringing about justice for the poor consist, and how can it be effectively realised? While the subjective dimension examines our interior commitment, the objective dimension examines the skills with which we bring about real results. As it is a question of love, the purpose of the promotion of justice is not found in ourselves, but in others, in the victims of injustice. It is not enough that we express our commitment well; the other needs to be effectively served and offered justice, something that good intentions do not guarantee.

Issues of objective justice are constantly discussed in the social apostolate, and in the work of other apostolates whose actions strive for socio-political outcomes. But we have written much less, had fewer opportunities to systematically exchange information and develop our own ideas, and have achieved less consensus on the objectives and methods of promoting justice than those regarding spiritual motivations and religious symbols.

This would not be of such great importance if the question of justice could primarily be tackled at national level. This level of decision making is more or less within the reach of the provinces of the Society, inside which the dialogue of discernment between Jesuits, religious and lay people is more comprehensive. If justice depended above all on events and decisions taken inside each country, the Society could be satisfied in sustaining a global community through the subjective aspect of our commitment, and accept the very different national specificities of the objective aspect of this commitment.

Reality, however, prevents us from being satisfied with this schema, because the part of justice and injustice which concerns us is, or will be, increasingly globally defined. National societies can only resolve those

aspects which do not significantly affect their position in the market; when economics are at stake, nations melt into the global market.

Therefore, if we are to take seriously the objective achievement of justice, we must build capacity for global, as well as national, advocacy and social action. In the objective field of the attainment of justice we must look for a community of ideas and beliefs on the same scale as that already achieved in the subjective field of the interior commitment to justice. Only in this way will our commitment meet the challenge of this historic moment.

### **Our historic moment**

During the second half of the 20th century, it seemed that in some parts of the world (Western Europe, Canada, Australia, and perhaps the United States), the formula of reasonably balanced economic, social and political development was found. This formula consisted of: (a) capitalist economies principally operating in national markets; (b) a welfare state which regulated these markets and distributed approximately 40% of the national product through the provision of universal public services; and (c) a representative democracy with a certain decentralisation and division of power, in order to govern the welfare state and, through which, national markets.

This schema was far from perfect. Among other things it was accused of facilitating the imperialist exploitation of the peoples' of the Third World in order to sustain the high living standards in developed countries (much truer for the United States or France than for Denmark or Luxembourg), and of being ignorant of the ecological unsustainability of consumption levels that wealthy societies were reaching. Despite these accusations, many countries tried to promote development by way of democratic capitalism with a welfare state; and some were successful.

This schema depended on the ability of the state to effectively regulate markets. The obstacles to the movement of goods and capital ensured the external sector of each economy remained relatively limited, and permitted the development of national goods' markets under the control of national governments. With this, the political control of markets became possible, and where this was achieved with sufficiently healthy institutional policies, it produced good socio-economic outcomes (better than any other regime humanity has ever known).

However, we no longer live in this historic moment. In the last 30 years, capital has dismantled the structures built during the 20th century to regulate it. Market relations have become globalised, and in great measure have escaped from national political control. Capital initiatives are no longer under the control of one state, but are spread across many, which now must compete for investment. The precarious equilibria reached in some parts of the world in the second half of the 20th century have been falling apart since the 1980s.

This should not be a surprise. The best private investment opportunity – one that does not depend on the exploitation of one party's strength, the illegitimate use of informational asymmetries, undue outsourcing of costs, or bribes to politicians or public servants – is found in relationships in which all parties enter voluntarily, and from which they benefit. These are win-win situations; with a little luck, situations in which all the parties involved win, and nobody loses.

It is much easier to establish market than legal relations, particularly between states. Market relations can be produced and extended with much more flexibility, thus, much more quickly. Buying and selling only requires shared acknowledgment of the other's property and a minimal language with which to understand the terms of the exchange. One can even negotiate without knowing the same language, using sign language instead. Market transactions

constitute only fleeting relationships which end with the exchange of objects, without the need to have a great knowledge of the other party, neither to confide in him beyond the moment of the exchange, nor commit oneself to anything further than the agreed compensation.

On the contrary, legal relations demand a much more detailed knowledge of the other party, more communication and stability of relationships. Being subject to the same law implies the acceptance of complex rules and procedures of which all the parties must have a common understanding. These rules will be enforced not only in the present but also in an uncertain future. These rules, therefore, require the ability to speak the same language at least in relation to actions of a public nature, know others sufficiently well enough to estimate their long-term trustworthiness, recognise them as fellow citizens, and commit oneself to abiding by the same laws as them. Legal relations take more time to establish than market relations, and therefore, spread more slowly.

As quickly as technological developments have made it economically possible, market relations have been globalising. One must look no further than the origin of the products available in any shop throughout the world, be it in a rich or poor country. Tempted by the opportunities of increased wellbeing offered by the international division of labour and the specialisation into areas of comparative advantage, states have dismantled a large number of the barriers which made the market coincide with the nation state. This facilitated the transnational flow of capital, goods and symbols of consumption. Commercial relations, easy to establish as explained above, have globalised, producing new consumption and development opportunities. At the same time, they have generated dynamics which are difficult to control, posing serious global risks. Political relations, much less flexible and more complex, have not developed in the same manner.

Our historic moment is, therefore, a period of transition. Capital has again escaped the control of political institutions which were able to regulate it in a way which promoted social development. The main challenge of this period consists in the construction of global political institutions with which to govern globalised economic relations.

This is not the first time, at least not in the West, we find ourselves facing a similar challenge. During other periods of history, such as during commercial capitalism of the 14th century or with the Industrial Revolution of the 18th century, capital got ahead of the political institutions, producing dynamics which created wealth but at the same time generated serious instability and social conflict. In each instance, societies were pushed to establish higher levels of political institutions (successively in these cases: the nation state and the welfare state) to minimise the adverse effects of uncontrolled capital flows, while conserving the advantage of its expansion in terms of efficiency, innovation, and accrued social cooperation. In each of these aforementioned examples from Europe, the period of transition between the emergence of capitalism and the consolidation of political institutions capable of its regulation was approximately 200 years.

Even though these powerful forces appear beyond control and the construction of institutions necessary to harness them appears a remote possibility, there is no reason for despair. It may take a century or two of patient work to complete the construction of global institutional structures with which to control the activities of transnational capital in global markets.

What is at stake in the dynamics of global economy - and of related areas of the environment or demography - which can no longer be addressed by the political actions of nation states but require global political institutions? The opinions expressed by those who work on these issues are relatively convergent; so it is sufficient to present the views of one well-informed author.

## Unresolved questions

In 2001, the Luxembourgish and economist, Jean-Francois Rischard, then vice president of the World Bank, published a book entitled, *High Noon: twenty global problems, twenty years to solve them* (New York: Basic Books). With the hindsight of almost 10 years, his list of global problems helps to situate the discussion. It is as follows:

### A. *Sharing Our planet: Issues involving the Global Commons*

1. Global warming
2. Biodiversity and ecosystem losses
3. Fisheries depletion
4. Deforestation
5. Water deficits
6. Maritime safety and pollution

### B. *Sharing our Humanity: Issues Requiring a Global Commitment*

7. Massive step up in the fight against poverty
8. Peacekeeping, conflict prevention, combating terrorism
9. Education for all
10. Global infectious diseases
11. Digital divide
12. Natural disaster prevention and mitigation

### C. *Sharing our Rulebook: issues needing a global regulatory approach*

13. Reinventing taxation for the twenty-first century
14. Biotechnology rules
15. Global financial architecture
16. Illegal drugs

17. Trade, investment and competition rules
18. Intellectual property rights
19. E-commerce rules
20. International labour and migration rules

Depending on one's perspective, one or more issues could be added to or subtracted from each of the above headings. For instance, I would civil and political rights, which has become a global issue capable of generating instability and transnational migrations. However, Rischard comes very close to his objective of providing us with list of pending issues for humanity which, without doubt, already constitutes a single economic and biological, if not political, society.

Each one of these problems affects the three desirable qualities of all social systems, including the global economic society: stability, efficiency and justice. These three are crucial for the sustainability of the human presence on earth; so much is at stake in them.

These are intertwined questions of an economic dimension. On the one hand, many of these problems require a significant investment of resources before they can be addressed. If they are to be efficiently addressed at the global level, there would need to be a global redistribution of resources comparable to that which has already takes place within nation states. On the other hand, the resolution of some of these problems would have immediate consequences for economic competition between nations. Deciding on a set of rules would create winners and losers in the short term, and those states which saw themselves as losers may block agreement. Moreover, most of the problems highlighted by Rischard relate to natural resources or public goods which affect humanity in its entirety. The division of costs and benefits of taking care of managing these natural resources and producing these public goods constitutes another challenge,

one which, until now, has been too difficult for nations to reach agreement.

In short, the great problems identified by Rischard can only be resolved by building the capacity for collective global action, capable of questioning old concepts of national sovereignty in favour of new global institutions, as requested by Benedict XVI (*Caritas in Veritate*, 67). If we fail in this historic task and nation states close in on themselves in defence of their immediate interests in an attempt to resolve their problems alone, catastrophe awaits us, and serious conflicts on the major global issues will lead to crises. One only need think of the current financial crisis. In the absence of global financial structures (point 15 of Rischard), we were neither able to avoid the present crisis, nor control it over the last four years.

Our historic moment presents us with a series of challenges in harnessing the globalised economy, which can only be met through the construction of a new global institutional polity. This is our fundamental moment. The new global institutions which humanity must work hard to build in the following decades or centuries will require fundamental agreements on the basic concepts of justice to be attained. And whatever social group, like ours, which wishes to help build these new global institutions, must propose coherent and viable ideas of global justice. Are we capable of doing so today?

### **The Jesuits**

As indicated in the previous section, we have seriously committed ourselves to the promotion of justice as a part of our vocation of evangelisation. It is a significant achievement for such a large and widespread apostolic body, having autonomously and uniformly developed thousands of small initiatives throughout the world, to be able to reach this level of spiritual harmony. This achievement is even greater because it includes the incorporation of a strong social dimension within all the Jesuit apostolates:

education, pastoral, intellectual, and certainly in the formation of both Jesuits and lay collaborators.

This Jesuit social action, spread beyond that of the social apostolate, could be characterised by paraphrasing the three-word slogan of the Jesuit Refugee Service: accompany, serve, and transform.

Accompaniment refers to the introduction of one's personal presence into the world of the poor, to a greater or lesser extent sharing their way of life, even including "drawing lots" with them, as the expression of Ignacio Ellacuría goes.

Service consists in bringing our own personal and collective capabilities in the promotion of life to this vital journey of the poor. Above all, our service is offered in the areas of pastoral care, education, community formation, but at times it includes economic assistance, organisational and management tasks, peace mediation...

The action of transformation (which JRS translates as advocacy in its concrete working environment) is intended to change the way more powerful third parties treat the poor, when this treatment is unjust. It is the most political aspect of our social action, as it seeks to change social structures which create and reproduce injustice; combat the ideas which legitimate these structures; find alternatives to the institutions which underpin these structures; modify the social and political power relationships upon they are built and sustained; help the unjustly impoverished victims organise themselves; and raise awareness of those living on the margins and offer them ways of getting involved in the defence

Whether or not this is the same as what we refer to as 'advocating' depends on one's understanding of the word. As it is commonly used by NGOs, 'advocating' hides more than it reveals about the richness of the forms and dimensions of the social struggle for justice in which the Jesuit apostolic body has been involved since the times of Rerum

Novarum. From the motivational perspective, 'advocating' fails to capture the pain of that struggle: ours were not martyrs of advocating, but of justice. 'Advocating' also evokes a certain technocracy: experts who take on causes and campaign in their favour, rather than the poor organising themselves as protagonists in their own liberation.

More importantly for own argument, 'advocating' as term could become a political short cut; it suggests issues rather than structures, groups of concern rather than society as a whole, influence over decisions rather than the radical reconstruction of the framework in which decisions are taken. As we have stated, it is precisely this frameworks we see going into successive crises, having demonstrated its impotence in the face of the massive problems of the global economy, and its inability to develop concepts of justice capable of tackling these challenges.

It is not that the word 'advocating', as it is commonly understood by NGOs, lacks sense or is in some way harmful. No; the expert action of local or sectorial advocating within a framework of established decision-making has its place in the work of social transformation towards greater justice. However, it only constitutes part of this work, not all of it. It does not even constitute the most historically enlightened part: for it responds better to the various short-term opportunities - the deadline of projects presented for funding - rather than the underlying need for historic transition in which we find ourselves. As such, if we are going to use the term 'advocating' as a synonym of the moment for transformation, we will have to revise this term carefully.

As indicated above, our greatest historic necessity lies in the construction of a worldwide institutionalised polity able to restrain globalised capital, regulate markets which have expanded throughout the world and subordinate their excessive strength for the good of humanity. This global institutionalised polity will need to be

underpinned by far reaching and coherent concepts of justice within a legal structure.

Over the last century, the Social Apostolate of the Society has been taking concrete measures supporting justice. Throughout most of this period, the scale of the problem was national, as were the political instruments and theories of justice designed to address it. In many places, we gained a significant degree of influence over national decision-makers in political and governmental circles and among grassroots social activists.

In recent decades, effective solutions to problems of justice have increasingly slipped beyond the reach of individual nation state. Concepts of justice based on the nation, political instruments of nation states – or the organisations established to influence them – are no longer sufficient to address these problems. They are not only insufficient, but often completely ineffective, because they are based on the concept of national sovereignty, the principal obstacle to the necessary establishment of a new institutional framework. In a single global economy, certain outcomes, desirable at national level, could cause unjust harm to others outside that nation, and national interests could paralyse necessary collective global action.

The division of the Society's apostolic body into provinces along national and sub-national lines has probably been the reason we have been slow in developing ideas of justice and organisational structures which would have offered us opportunities to make a significant contribution to this constituent phase for the world. It is no coincidence that the Society's organisation best able to take the leap into global political action in its own specific area of activities have been JRS, an organisation whose authority does not depend on the provinces. However, the actions of JRS are limited to sectorial advocacy in favour of specific interest groups. For instance, it does not cover all the aspects which should be taken into account to establish a new global institutional framework regarding the migration of the poor.

Those in the apostolic body of the Society who work in local and/or sectorial advocacy are being led by their own work, sometimes with perplexity, to tackle global issues which cannot be addressed by summing the interests of the groups whose rights they defend. They are faced with a global economic society far more complex than the national situations with which they are used to dealing. The perplexity as to how to organise this new global society, maybe a feeling shared by us all, constitutes a good starting point from which to address fundamental tasks ahead of us.

### **Conclusion: three fundamental tasks which we are not taking seriously enough**

*1. We must recognise that an increasing number of problems of justice and sustainability facing humanity cannot be addressed at national level.*

If we want to maintain the level of capacity we have developed over the last 100 years promoting justice at national level, we have to organise ourselves on a global scale for this struggle for justice. This requires a change in mentality, a willingness to invest seriously in transnational initiatives, to find a shared model of discernment, organisation and action at international level, and dispose of a form of central coordination of all these processes, which can only be the General Curia because only the Father General has a specific mission with respect to global action.

*2. We must recognise that specific, local, sectorial etc. advocacy actions we develop at national, and to a much less extent, global level constitute valuable steps forward but are in themselves insufficient to meet the scale of the challenge facing humanity: the construction of a political institutional framework capable of regulating markets to serve the common good.*

Going from national to global levels does not mean only extending or coordinating our present socio-political work, it also means extending our ambition towards effectively influencing the on-going constituent

processes of the new institutional framework. The possibility of promoting justice at local and sectorial levels in the forthcoming centuries will depend crucially on the outcome of these processes.

*3. With regard to the aforementioned, we must also recognise that our community of spiritual motivation (subjective) in favour of the promotion of justice that we have achieved in the universal apostolic body of the Society cannot be automatically translated into capacity for global action.*

In fact, we lack capacity. This incapacity will grow the more we detach ourselves from current sectorial advocacy activities, and turn our attention to the constituent processes of the new global institutional framework which will determine which policies will be possible in the future. Our shared spiritual motivation constitutes a basis of enormous value, but it is only a basis. To make real progress in meeting the challenges of justice in our time and truly promote the liberation of the poor, we need to build shared concepts of global justice onto these spiritual foundations. Upon these concepts we need to construct organisational forms proposed by a range of groups from social movements to bodies where the constituent discussions on the new world institutional framework are taking place.

The Society of Jesus can and must feel insignificant in the face of the complexity of the world, of the power of the economic and political forces operating within it, of the spiritual and moral richness of other traditions and groups... However, we must not abandon the fundamental ambition of bringing the real justice of the Kingdom of God to the poor of the earth, for the salvation of all. In our view, this requires we take on these three fundamental tasks, first in the area of ideas and discussion, then also in the area of organisation and action.