



Coordinadora Estatal por la Defensa del Sistema Público de Pensiones

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SOCIAL RIGHTS AND CRISIS

Best regards! , fellow delegates attending the II World Congress of P & J of the FMS, in the same way to the comrades who elected you as delegates and who expectantly follow the information of the Congress in their respective countries.

The outbreak of the financial and economic crisis of 2008 has contributed to make visible some of the most acute contradictions that appear in the discourse of social rights. On the one hand, these rights are usually presented as instruments aimed at satisfying the basic needs of individuals and groups, starting with those who are in a situation of greater vulnerability from the economic point of view. Thus, they tend to appear as the rights par excellence of the weakest and most vulnerable to the overbearing law of the strongest. At the same time, however, there is a broad consensus around the idea that social rights are rights proclaimed, sometimes, even generously, in legal texts, but little realized or guaranteed to practice. The contradiction between existing rights, recognized on paper, and effective rights, made in practice, justifies a brief reflection on the 'enemies' of social rights.

The very notion 'of the enemy', in fact, carries a strong emotional charge that can lead to misunderstandings. However, it has an obvious advantage: remember that the expansion of rights, far from being an evolutionary or linear phenomenon, necessarily presupposes the idea of conflict. And it is that the guarantee of a right usually comes often accompanied by the limitation or the elimination of privileges. This is so, of course, when it comes to social rights in reality, what is involved is simply to defend a social, egalitarian, or simply democratic conception of all human rights.

Trying to ensure the rights of the most vulnerable to the strongest or the most powerful presupposes, in effect, assuming a conflicting dimension of social relations in which attempts to distribute power entail resistance. It is from this perspective, precisely, that one can speak of 'enemies' of rights, with the pretense of remembering that the equal guarantee of certain rights is not always a zero-sum game. And that, as has just been pointed out, it can demand the removal of material and symbolic obstacles linked to privileges that do not spontaneously yield and that are conquered with the acquiescence of those who exercise political power.

For the purposes of this intervention, three major "enemies" or "adversaries" could be identified for the generalization of social rights in particular and human rights in general: 1) the perception of social rights as different rights, and ultimately subordinate instance, to other rights considered relevant and even fundamental; 2) the subordination of social rights and other fundamental rights to a tangentially absolutist conception of certain patrimonial rights such as the right of private property or freedom of enterprise; 3) the subordination of social

rights and other fundamental rights to a tangentially absolutist conception of certain rights derived from political representation or the exercise of institutional power.

The thesis of the categorical distinction between social rights and fundamental rights is often presented in various ways. As a contrast between social rights and individual rights, between rights of equality and rights of freedom and even as a contrast between rights of benefit and rights of non-provision. The corollary of all these opposing pairs is the distinction, more or less categorical, between non-justifiable rights -the social ones- and rights directly demandable from the courts -the authentically "fundamental" ones. That is why "La Marea Pensionista" proposes that pensions form part of the rights in the constitution. Social rights cannot be rights with an undetermined content that prevents the proper identification of the obligations that these entail, while civil and political rights are endowed with an unequivocal core from which content is easily extracted.

Social rights, by reason of their own nature, of their internal structure, are difficult to prosecute before the courts; on the other hand, political and civil rights because their enforceability before the ordinary courts is in itself, without the need for subsequent legislative development. This consideration entails entrusting the protection of social rights to political majorities, which gives them an unlimited margin for their protection or not.

And we wonder what to do about this lack of definition in the valuation of rights? For the answer must be forceful and must support the analysis of the population in the to the elections by depositing our vote in the polls: Demand the interdependence and indivisibility of all civil, political, social, cultural and environmental rights! Because all rights are linked to the protection of similar values. Put another way: the real conflict is not based on the existence of rights of freedom and equality rights, but on egalitarian and inclusive conceptions of non-egalitarian and excluding rights and conceptions. In any case, these conflicts between rights are conjectural, weak, and other strong, structural conflicts that often occur in capitalist societies should be distinguished. One of these conflicts or structural tensions is, precisely, what raises the generalization of civil, political and social rights and the tendency of the right of private property and freedom of enterprise to be configured as absolute rights. The right of private property and of corporate freedom, in fact, are not, especially in current capitalist societies, "individual" or "civil" rights either. They are rather patrimonial rights that, exercised by certain subjects with a special position in the market (such as large owners, big businessmen or big executives) and on certain objects (the main instruments of production and exchange) tend to be configured as absolute rights and, therefore, as privileges or real private powers. This tendency of patrimonial rights to be configured as private powers makes them 'Enemies' open to any attempt to generalize social rights. In reality, it makes them an obstacle to the generalization of all human rights, be they social, civil or political. And in front of them, we support the remunicipalization of basic services and contracts to other services without subcontracting if they depend on public bodies. This has been the true conceptual confrontation of the so-called crisis of 2008 from which the de facto powers are getting their way. and their political acolytes that serve to perpetuate their privileges at the expense of the most basic principles of equality and solidarity. In Catalonia and Spain we fight with three objectives clearly accepted by all: 1 The immediacy: not lose purchasing power of our pensions, 2º Achieve dignified pensions that allow our old age to be an integral part of the

democratic project of the country and 3° That the Spanish Constitution collect as a right the system of public pensions for distribution and that provides sufficient resources for its maintenance in the General Budgets of the State. From the first embers of indignation we have gone to the bonfire before more than 250 citizen assemblies, grouped in the "State Coordinator in defense of public pensions" that vindicates this dignified life for the pensioners of today and tomorrow. You hear birdsong in favor, but also disturbing news. In any case, the worst of the dangers, such as indifference, has been overcome. The support of pensioners and retirees from the rest of European countries must be the blow so that the neoliberal drift is overcome and a true social democracy is established. The street is the place to reach the power of those who have no power; we only have the faith in our convictions, solidarity with our peers and the firm purpose of reversing this situation of injustice that privileges the privileges of a minority that has been defending them for century's at the most important and republican principle: equality. The class Unions that permanently strive to reverse the absolute rights of capitalism and propitiate with their positions and demands in factories, workshops, field etc a system that gives dignity and happiness to the working class. In this endeavor has arisen the Pensioners Tide of Catalonia that coalescing with more than 250 assemblies throughout Spain we form the State Coordinator in defense of public pensions. From Spain a fraternal embrace to all the participants in this Congress.

LONG LIVE THE WORKING CLASS !! MAREA PENSIONISTA DE CATALUÑA

Prudenci Vidal Marcos