

Discussion of Prof. H. Suchocka's paper

ARROW

I want to thank Professor Suchocka for setting forth with clarity and, shall I say, unflinching courage the problems in achieving a reduction of unemployment. I put it this way, because, according to the paper, it is not merely full employment that is unobtainable but any reduction in unemployment except insofar as the spontaneous forces of the market achieve it.

I certainly applaud the point that constitutional provisions for full employment are meaningless and even hypocritical in a world where employment is governed by contracts between individuals and firms.

However, I must insist that we cannot be as pessimistic about the possibilities of government employment policy as the paper proposes. It is not supportable for a society to have large unemployment, no unemployment benefits, and no stability of employment simultaneously. The employment conditions in both the transitional countries and Western Europe must be met by government intervention in some form, whenever the market fails to end large-scale long-lasting unemployment.

SUCHOCKA

All around the world when I finish my papers, no matter what problem I touch, the first comment is always: "You presented a very pessimistic view". But in this area concerning the right to work, my experience was particularly difficult. I started with the so-called "social and economic rights" as a researcher in the Academy of Sciences; I then wrote some articles on the right to work. When I became Prime Minister, it was really a totally different point of view. I had to change some of my earlier theses. I became much more pessimistic because, in the last six years, we were unable to find out how we could deal with high unemployment; we looked for examples in Western countries, but it was not possible to repeat them in our situation. It was, and it is, particularly difficult to find a solution in accordance with the Catholic Social Teaching. However, in Poland we would like to have a social free market economy, not just the free market economy. This is why unemployment is such an important problem for us.

LLACH

The intention of this intervention is just to congratulate Professor Suchocka for the very unusual frankness, and the very worrying diagnosis she presented. I feel very much in agreement with her; and it is not just by chance. Our two countries are trying to implement a process of modernization; one of the difficulties comes from the attitude against productive work in important parts of the population. Even in the Church of our countries, the productivity side of the coin is never taken into account. I frankly want to emphasize this aspect, because the supposed socially oriented approach to work, turns out in practice to be detrimental to the development of employment opportunities. It is something very important in countries like Poland and Argentina, and also in other Latin American countries that are trying to initiate processes of economic reform. So I strongly want to emphasize the necessity to go into deep study of diagnoses such as the one Professor Suchocka has presented today.

SUCHOCKA

This confrontation between the social and economic issues of the right to work is indeed crucial, especially in our part of Europe. Before we start with a real free market economy, we have to analyze all social consequences of, for instance, the so-called shock therapy. We have heard during the first day, when we discussed the social teaching, rather critical voices against the shock therapy. However, in the first phase of reforms it meant in a very short time to keep inflation under control, to go farther with the privatization process, to keep all important economic factors together. Lacking such a quick move, it would not have been possible to later on solve not only the economic problems, but also the social problems. However, when I was faced with mass unemployment, it was very difficult for me as a Catholic to find the argumentations that I could express to the really poor people.

SABOURIN

Je voudrais tout d'abord remercier Madame Suchocka pour son intéressant exposé, surtout pour avoir soulevé des problèmes qui sont non seulement très pertinents, mais qui vont devenir de plus en plus significatifs dans la région qu'elle connaît si bien ainsi que dans d'autres régions du monde. Vous me pardonnerez d'être un peu l'avocat du diable en soulignant que le problème de l'emploi à l'échelon mondial n'est pas nouveau. Depuis que la Société des Nations et l'Organisation Internationale du Travail existent, nous nous efforçons d'établir, à l'échelon international, des

conventions pour créer, protéger, susciter l'emploi. Il existe plus de 150 conventions internationales dans ces domaines.

Je pense que dans le cas d'une Académie comme la nôtre, nous devons faire un effort particulier pour prendre en compte ce qui a déjà été fait à ce chapitre. Or il faut bien reconnaître que, dans le cadre de l'Organisation Internationale du Travail, ce genre de réflexion est très avancé. A la page 15, vous dites "acceptance of a certain global employment policy is at the present stage impossible". Je pense que votre opinion est exacte. Notre collègue Arrow disait que vous êtes pessimiste. Je ne crois pas que vous soyez tellement pessimiste; je pense que vous êtes lucide. Lorsqu'on connaît la situation de l'emploi, surtout en Afrique et dans certaines régions d'Asie, il faut voir le problème d'une façon très différente.

Cela dit, pensez-vous que l'Académie devrait s'intéresser à des questions qui concernent surtout les Pays du Nord, incluant l'Europe de l'Est et un certain nombre de Pays d'Amérique Latine ou ne devrions-nous pas prendre aussi en compte la problématique du travail dans les Pays plus pauvres, dans les Pays en voie d'expansion rapide et surtout ceux qui sont présentement en très grande difficulté? Nous devons être réalistes. Il y a 5.600.000.000 d'habitants à l'heure actuelle sur la terre et nous, dans les pays industrialisés, nous représentons à peine 20% de cette population. La notion du droit du travail a-t-elle le même sens en Bolivie, en Haïti, au Burkina Faso, qu'elle a chez moi au Canada, en France ou ici, en Italie? Il faut absolument que nous nous posions les questions en termes internationaux et pas seulement à partir des expériences des pays que nous représentons ici.

SUCHOCKA

Yes, I fully agree with you on the very general principle. But notice that a global, international employment policy is also impossible; I mean a policy in the real sense of the word, led by international organizations. An international convention, concerning for instance the right to work, is something different; it provides only guidelines for policies. Of course, I can fully agree that we, being here in the Academy, and also probably in different other international bodies, we have to look for the possibility to create a common programme, something like what would be required for a common global employment policy. At the moment a really clear, well-defined policy, as a policy of the different governments, is impossible. But there is a need, and probably in the future such a policy will be found necessary.

MORANDE

The paper of Professor Suchocka points out once again the fundamental questions which had been raised along the entire meeting. Prof. Utz and the colleagues Tietmeyer, Kohler, Rémond and Schasching mentioned it: first, what does "to work" properly mean? And second, what does it mean that work should be paid? On the answers to these two fundamental questions depend the foundation of the right to work and also the different ways in which work is socially organized. In a prior intervention, for example, the colleague Ramirez stated that the right to work should be founded on the right to survive. The colleague Zampetti, on the contrary, stated that the right to work should be founded on the liberty granted by the political order. In this case, work must be considered as a sort of social warrant of liberty. As it may be seen, both arguments are totally different and they offer diverse foundations to the right to work. If one is right, the other ought to be wrong, or is there a superior synthesis of both foundations? How should the right to work be founded?

I think, it is still interesting and actual to use the distinction, proposed by Hannah Arendt in her book *The Human Condition*, between "work" and "labour", which she thinks corresponds to the classical Greek distinction between "praxis" and "poiesis". On the one hand, "labour" is the human activity that receives its value from its product, from what it creates, from the necessity it satisfies. On the other hand, "work" is the human activity that receives its value from itself, from the fact that it is done. Labour is mostly related to survival, and work, mostly related to liberty. With this distinction in mind we can ask ourselves why, until the beginning of modern times, activities worthy by themselves were unpaid? We can think in art, music, games, rites and religious activities. All of them were unpaid. On the contrary, the labour of the handicraftsmen and of all those who had a product to offer, were paid. Nevertheless, with the introduction of the monetary system, activities that were not formerly related to transactions, also began to be paid ("we may speak of intransitive activities"). We can find nowadays cases of the following type: a soccer player (Maradona) received one of the highest wages of the world. What does it mean? It is something extremely rare. Gameplayers were traditionally unpaid. Now, it is a high profit profession. Another example, this time from the "pop stars": Madonna. She also received a high salary. Could it be said that what Madonna and Maradona do represent typical "jobs"? One would be inclined to think that such a statement is an exaggeration. Notwithstanding, nowadays they are jobs. What is then going on? My response: When intransitive activities as well as transitive activities became payable,

the concept of labour actually changed. We can no longer speak about work only in relation to the jobs being offered to gain life, but also in relation to the particular creativity potential of every social activity, and more specifically, in relation to the expectation that it awakes.

Therefore, we may conclude that nowadays what is paid is not the product itself but the expectations any human activity brings about. Dr. Tietmeyer explained it very well. What society does is to bring the future to the present. One can expect that the soccer player will play in the future much better than he does now. He is not only paid for what he has done, but for the expectations he can awake about his future playing. The same occurs today in every economic activity. Economy lives from the future, not from what is actually done. This explains the important role of the financial system, then it has to warrant the stability of an unpredictable future.

The questions, what is properly the meaning of work, and what the meaning of paid work, are very profound ones, and I am not trying to respond to them now. I just wanted to raise them, because they are at the basis of the right to work. In one sense, we must speak about the right to survive. In an other sense, we must speak about the social guarantee to liberty, to do what someone wants to do, to generate an expectation about a future activity that is not related with survival. In the ongoing process of evolution of work, both aspects are related, but the discussions being held now tend to confuse them.

SUCHOCKA

You are pointing to the complexity of the notion of a right to work when account is taken of all aspects of work, particularly its structure with respect to all different kinds of activities, paid and unpaid. As I said at the beginning, we have indeed to redefine the words we are using. For example, the socialist doctrine was asserting that unpaid work was not really work. But should such a sharp distinction be made for a free-market economy? Certainly we need to reflect more on the definitions of work and right to work. It is a topic to be discussed in the future.

KOHLER

The rights language is highly problematic. Much of the way rights language has developed in the United States has left us with an image of the person as a sovereign, fully-autonomous being, without obligations to others. The Catholic tradition, of course, sees us as contingent beings, situated by obligations. So, that is one set of problems. A second set of problems, a little more concrete, is simply that this right to work can mean

various things. In the famous *Lochner* case, from the United States Supreme Court, the right to work was interpreted in a way to mean that any restriction on contractual freedom interfered with one's right to work; therefore, all protective legislation of any type was unconstitutional. We know also that some legal protections are counterproductive to employment. But, comparing the U.S. and the German situation, for example, one having very high legal protections, one having very low ones, we do not seem to find that legal protections really are determining so much the possibilities for work.

ZULU

Professor Suchocka's paper raises a lot of fundamental questions and the time probably alerts us to the desirability of our re-defining our research agenda. In a sense, we are reactive, because we are guided by certain experiences which are obtained under certain conditions, and not pro-active enough to anticipate problems in areas which are, in my language, not yet there. I mean, Northern Europe and Western Europe is there. In a sense, developing countries are not yet there.

Now, what do I mean? I believe there is a contradiction between the principle of a free market and distributive justice, or social justice. The right to work falls within distributive justice, and presupposes that there is work to be done. But someone must create that work, the capitalist or the investor. If then we are talking about distributive justice, it means that there is a cake to be distributed, and that we are arguing about the moment of distribution, that is access to work, as well as the sizes of the slices to be distributed. How much do we pay, assuming that the type of work we are talking about, is paid employment? That brings another set of problems.

But at what moment, do we say that the cake is there? Someone has to make a decision, and say there is a cake, and it has to be distributed equitably, one way or another, to the satisfaction of the capitalist, the investor, or the job giver — and the employee, the worker, who has a right to this employment. To what extent would that be tampering with the free market principles, assuming that empirically we agree that the cake has been there, and the distribution is possible, on the ground that the free markets, or the free marketers or the participants in the free market have created it?

Is there a middle road, or can we probably go back and re-draw our research agenda, and look into those nations and areas where the cake is not even there, that is, in developing countries? And that would take us into another vocabulary altogether. Before we reach the right to work, we probably have to set or reach conditions or preconditions which make this right to work a possibility. That is development.

SUCHOCKA

I may again come back to the difference between two worlds and two different systems of values: the system created in the Western world and the totally different one used in the Soviet world. When you propose that, before we discuss the right to work, we have to re-define such a notion as distributive or social justice, I have reservations. Indeed distributive justice in the Soviet system was a totally different thing than in Western countries. Now we can observe in post-communist countries a kind of nostalgia for this meaning of distributive justice which existed in the communist system. This is why, in our part of Europe, most of us rejected so strongly distributive justice. Maybe it was our fault. But in the beginning it was our need. And now we have, once again, to analyze what it means at the moment. I can only give you one example: when we now discuss on the very general principles to be inserted in the future Polish Constitution, a lot of people who were in opposition many years ago are against insertion of the principle of social justice, which still has a very strong connotation associating it to the Soviet system. So, using the same words, we are in totally different positions. It is our task, also here in the Academy, to find the common ground for further discussions so as not to be breathing and living in two different worlds

ZAMPETTI

Desidero intervenire perché il Professor Morande mi ha chiamato direttamente in causa. E di questo lo ringrazio.

È vero, io sostengo che il diritto al lavoro sia espressione del più ampio diritto di libertà. Colui che non ha un posto di lavoro non può essere considerato un uomo libero. Per questa ragione tale diritto non è alternativo al diritto di sopravvivenza. Il diritto di sopravvivenza si riconduce al principio di sussidiarietà che entra in un altro ordine di considerazioni. Io ritengo che la Professoressa Suchocka sia d'accordo con me nel sostenere che la sussidiarietà così intesa dovrebbe avere un carattere provvisorio, diversamente cadremmo nello statalismo. È provvisoria in attesa che venga trovato un nuovo posto di lavoro.

Invece il sistema socialista concepisce la sussidiarietà in senso assoluto e quasi definitivo. Giungendo a un concetto di solidarietà che paradossalmente assorbe la sussidiarietà. Lo Stato si sostituisce alla libera iniziativa delle imprese che invece deve essere incoraggiata perché produce ricchezza e quindi nuovi posti di lavoro.

Ora rivolgo alla Professoressa Suchocka la seguente domanda. L'articolo 2 della Costituzione italiana non parla di diritti sociali ma di formazioni

sociali. Le formazioni sociali sono i soggetti sociali, come ad esempio la famiglia e le varie comunità intermedie, cui si riconducono i diritti sociali. Ora quando si parla di istituzionalizzare il diritto al lavoro ci si riferisce al lavoro legato alle formazioni sociali o indipendente da esse? In altri termini si tratta di un lavoro individualisticamente o socialmente concepito?

SUCHOCKA

The Italian Constitution was one of the models for us when we started our constitutional discussions especially the chapter on the rights and freedoms of the citizens. The Italian Constitution was passed in 1947 or 1948 under the communist government; it is full of social guarantees for citizens. But, without a stable economic system, it could only be an empty word. We in Poland had to create a financial and economic ground for the social rights. We, members of the Constitution Committee, also thought that, as our country was going from a totalitarian system to a free market economy, people had to have the guarantee of social justice. It is indeed written in the Constitution of December 9, 1989.

At the moment, we don't have the subsidiarity principle as a constitutional principle; that is a big lack in our Constitution. As a general precept, subsidiarity could help us organize a democratic state instead of a strongly centralized state; we would then build the state from the bottom, not from the top, as opposed to what is done in totalitarian systems.

AVERINTSEV

May I say something in a very un-Academic way, in defence of Professor Suchocka, and of the thing so improperly named "shock therapy". It is possible to express it not in an economic or social theory, but only in a parable. Please imagine a human person imprisoned. This person being imprisoned doesn't know what is the situation outside. If this person has a possibility to escape, to go free, he or she may wonder: maybe it isn't wise; maybe it is better to be imprisoned, to have a bed and something to eat, and not to be a "clochard". But a truly human person will, however, take the possibility to escape free.

In Russia the most immoral features of our capitalism occur when our capitalists do not know whether or not they are still in a Soviet state; they therefore behave not as prudent persons, but as robots that must grab something and run away. We remember the so-called "new economic policy" at the time of Lenin, when the capitalist economy was practised in the communist state; it was later destroyed in one moment; people were sent to prisons, and their property was taken away.

I should also like to stress the danger of a communist restoration, which is underestimated. Some people are going to the West and telling fairy tales about themselves: "I am like Willy Brandt". And then they come back to their country where people see them with Stalin's portrait or something like that.