

# VALUES, MULTICULTURALISM AND SOCIAL POWER

(Valores, Multiculturalismo e Poder Social)

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**ABSTRACT:** The article aims to discuss the three ways of relationship between cultures: the cultural universalism (monoculturalism, cultural integrationism or assimilationism) and its forms (Exogenous and Endogenous), the cultural relativism and the multiculturalism. There will be discussed the crisis of multiculturalism, to conclude that the group identities are not natural categories but learned, so it implies that they may be abandoned or changed. As to nationalism, these identities are useful, but only under certain circumstances. The community of common interests and values requires a common culture in some basic aspects for the social coexistence, precisely formed by common interests and values. After this first conclusion, the article aims to discuss some aspects of the formal centers of social power. Thus, it seeks to answer how a power becomes institutionalized in formal social organizations; what is the source of political power and how it is converted into institutions of governance; how legal power is generated by society and how it grows; what is the relationship between legal power and consent by those who are governed; what is the role of the legal system and that of the human rights in fostering the distribution of social power; and how a society has enhanced access and equitable distribution of power in recent centuries.

**SUMMARY:** 1. Introduction; 2. Cultural universalism (monoculturalism, cultural integrationism or assimilationism); 2.a. Exogenous cultural universalism or universalism by colonization; 2.b. Endogenous cultural universalism; 3. Pluriculturalism, interculturalism or multiculturalism at the broad sense; 3.a. Cultural relativism; 3.b. Multiculturalism (strict sense); 4. The crisis of multiculturalism; 5. First conclusion: Multiculturalism and mankind. 6. The rising of the Institutions; 7. Law, Institutions and Political Power; 8. The Governed's consent; 9.

Second conclusion: Human Rights and distribution of Social Power.  
10. Notes

Keywords: cultural universalism - monoculturalism - cultural integrationism - cultural assimilationism - pluriculturalism - interculturalism - cultural relativism - cultural isolationism - multiculturalism - migration - institutions - social power - political power - social consent - human rights

RESUMO: O artigo tem como objetivo discutir as três formas de relacionamento entre culturas: o universalismo cultural (monoculturalismo, integracionismo cultural ou assimilacionismo) e suas formas (exógeno e endógeno), o relativismo cultural e o multiculturalismo. Será discutida a crise do multiculturalismo, para concluir que as identidades de grupo não são categorias naturais, mas aprendidas, com o que elas podem ser abandonadas ou alteradas. Assim, identidades nacionais seriam úteis, mas apenas em determinadas circunstâncias. A comunidade de interesses e valores comuns requer uma cultura comum em aspectos básicos, a fim de permitir a convivência social. Após esta primeira conclusão, o artigo pretende discutir alguns aspectos dos centros formais de poder social. Assim, procura responder como um poder se torna institucionalizado em organizações sociais formais; qual é a fonte do poder político e como ele é convertido em instituições de governança; como o direito é gerado pela sociedade e como ele se desenvolve; como se dá o consentimento por aqueles que são governados; qual é o papel do sistema legal e dos direitos humanos na distribuição do poder social; e como a sociedade tem melhorado o acesso e a distribuição equitativa do poder nos últimos séculos.

SUMÁRIO: 1. Introdução; 2. Universalismo cultural (monoculturalismo, integracionismo cultural ou assimilacionismo); 2.a. Universalismo cultural exógeno ou universalismo por colonização; 2.b. Universalismo cultural endógeno; 3. Pluriculturalismo, interculturalismo ou multiculturalismo em sentido lato; 3.a. Relativismo cultural; 3.b. Multiculturalismo (sentido estrito); 4. A crise do multiculturalismo; 5. Primeira conclusão: Multiculturalismo e humanidade. 6. O despertar das instituições; 7. Direito, instituições e poder político; 8. O consentimento do governado; 9. Segunda conclusão: Direitos Humanos e distribuição do poder social. 10. Referências

PALAVRAS-CHAVE: universalismo cultural - monoculturalismo - integracionismo cultural - assimilacionismo cultural - pluriculturalismo - interculturalismo - relativismo cultural - isolacionismo cultural - mul-

## 1. Introduction

Migrations and communications produce contacts between different civilizations and cultures, values, languages, customs, phenotypes, economy systems and various levels of human development.

Migration implies that contact between different cultures are given in the same physical environment, while communications (trade and all technological means of transmitting information such as television, movies, books, radio, internet etc) do not necessarily require physical contact.

These two phenomena have been increasing every day in the contemporary world.

As for migration, there has been an increase in forced or voluntary displacement of individuals and populations, caused by the search of a better way of life and work, by the facilities brought about by open markets (including eventual formation of free trade zones or common markets), by the availability of more affordable means of transportation (faster and cheaper), by the incentives that some countries with low vegetative growth or low population density afford, seeking to avoid the negative impacts of an aging resident population, by economic globalization, by climatic changes, by wars etc. Many are the causes, and a study about them is not the object of this work.

As for communication, it must be said that the technological means of information transmission have today a reach and an immediacy never before checked. Communication technology does not find spatial barriers, penetrating the most recondite places of the state and reaching each person.

It is a fact that these contacts bring huge problems, since they require a definition of how to relate to local culture with foreign

culture, caused by the migrant or technologically transmitted from one to another country.

Then, we have three ways of relationship between cultures: the cultural universalism, the cultural relativism and the multiculturalism.

## **2. Cultural Universalism (monoculturalism, cultural integrationism or assimilationism)**

Cultural universalism means, briefly, the solution of cultural conflict by the overall submission of some cultural values of an individual or group of individuals to the cultural standards of another group.

The cultural universalism is also called monoculturalism, cultural integrationism or cultural assimilationism, inasmuch there is the domination (sway) of one culture over another. That one becomes universal (cultural universalism), single (monoculturalism), integrated with other (cultural integrationism) or by this assimilated (cultural assimilationism).

### **2.1. Exogenous cultural universalism or universalism by colonization**

The first situation is when the migrant culture (or even the transferor of information from the outside) is imposed on the local culture.

The consequence of this sort of domain is the destruction of local culture, a process that can be explained because the new culture was imposed by force, conquering the armed resistance that the locals could hold. Sometimes this domination or rule is not done only by force of arms, but by also voluntary acceptance of new technological solutions for everyday life and everyday solutions such that people contacted took as essential for themselves, embracing new customs and abandoning old habits.

An example of exogenous cultural universalism occurred with indigenous peoples who inhabited the coast of Brazil on the time of the European discovery in the sixteenth century. After the course of several decades, local people began to lose any traces of their primitive culture, and ended up to assimilate the way of life brought by Europeans to the New World, that is, the native disappearing culture took on the features of the colonizers. There is no doubt that the monoculturalism prevailed, aided also by the numerical decrease of indigenous populations due to disease and wars.

Only recently in Brazil, the indigenous policy evolved into an understanding that contact between cultures with a so distinct civilizational level (there are tribes that still live in the neolithic age) could hardly preserve the integrity of the indigenous as a cultural group, and it passed to promote the isolation of indigenous groups who were still not deeply reached. It will be seen more comprehensively about cultural isolation in the item 3.a.

What happened to the Brazilian indigenous ethnical groups, it also came about to some already missing Andean cultures, relative to other Andean peoples and especially to the peoples of Europe, keeping the missing cultures weak and a caricature of that once has been cultural identity. If features of the previous culture were significant, it has been not referred to as monoculturalism, but any of the following forms discussed in section 3: cultural relativism and multiculturalism in the strict sense.

## 2.2. Endogenous cultural universalism

Returning to the Brazilian indigenous issues, which are also common to many other countries, the demographic situation has been reversed a couple of centuries later, when the Brazilian local culture held a domain on the remaining minority indigenous groups and even on new immigrants whose stream was accentuated from the seventeenth century on (as Africans) and from the nineteenth century on (as the Europeans of different

nationalities). The state policy adopted by Brazil becomes the universalism or endogenous cultural assimilationism.

This state policy aimed to establish the total assimilation of individuals and income groups into the local culture of the majority, as a way to promote national development and public and social security. In other words, the assimilationist or assimilation policy believes in the idea that the presence of different cultural groups within the country arises difficulties to military recruitment activities, generates resistance to various state actions, hampers social cohesion and population control, disrupts the project and consolidation of the National State, encourages separatism, brings always disputed the policy related to promote specific demands of minority groups, and even removes the solidarity between the people of the country.

Indeed, contemporary studies and researches show that solidarity between people has a direct relationship on the inversion of roles and availability of state means to provide for common needs claimed. If individuals lose confidence in what they can get, relatively to the other who can stay in advantage, it can bring about extinction of solidarity and empathy. The other will be harassed because it overuses others scarce public resources, blots out common benefits such as job offer and social benefits, meanwhile the other (minority, foreigner etc) becomes a factor of disturbance of social harmony.

The endogenous cultural assimilationism as policy, corresponded to the era of formation of national States, which afforded the central government the capability of meeting all the country's resources to act on behalf of the entire community, allowing a significant economic leap and a better position in international concert, increasing the outer defense. Patriotism accompanied the idea of "one state, one nation", where common values, shared among its citizens, imposed collective defense of the equals in the nation.

In Brazil, the myth of the formation of unified nation led to the creation of a common and convergent historiography for the

construction of the Brazilian universal character. The Portuguese tongue was established as the compulsory official language taught in all indigenous communities, even prohibited the teaching of other languages of some European communities who installed themselves mainly in the South region of the country (in the municipalities of Italian or German majority, only the Portuguese language were allowed).

Endogenous cultural universalist politics have never sounded very acceptable in the face of minority communities, who saw themselves forced to integrate into the local culture. Hence theories have been arisen that sought to explain that the integration is disassociated of the state policy, but inherent to the circumstances.

Among the theories that speak assimilation as a natural and voluntary result of coexistence in a larger cultural environment, there is the "Melting Pot Theory", disseminated in the US academies. It is been said to exist an amalgam in society that receives foreigners, that works without State interference. Such amalgam preserves the national identity, which - in the words of the "founding Fathers" - is a design of providence. Of course, the United States monitors this integration and the "freedom" is only apparent. Even when it is said that each migrant brings with them new values that are absorbed into the American society, never it is ceased to say that the foreigners always absorb the core values of the American society, although naturally (the "American way of life").

The US, like Brazil, in order to promote further cultural assimilationism, established a policy of granting of nationality by local birth (*ius soli*), principle indeed prevalent in countries receiving migration.

The extreme of cultural universalism is the total intolerance of divergent, as witnessed in some moments in History that ethnic cleansing has become the homogenizing policy practiced by the state.

### **3. Pluriculturalism, interculturalism or multiculturalism at the broad sense**

The idea of forming a unique culture no longer exists in many States, and for several reasons.

There are countries where the National State is already understood by consolidated, and the presence within it of various cultures (long-time arrived or not) inspires ways of coexistence and tolerance, even with appreciation of cultural expression as a human right. Some of these States are, even from its origin, polinational.

The first way to deal with cultural diversity (pluriculturalism, interculturalism and multiculturalism in the broad sense) is through cultural relativism. The second way is through the multiculturalism strict sense<sup>2</sup>.

#### **3.1. Cultural relativism**

According to cultural relativism, the state policy becomes the total tolerance for minority cultural expressions.

In some situations, this tolerance takes aspects of indifference and isolationism. The cultural isolationism can produce the creation of ghettos or the isolation of communities, situations in which the State even doesn't attempt to impose hegemonic cultural patterns or a culture defended to other segments of the population.

Examples of cultural isolationism were the laws of the US or South African apartheid, or the spatial isolation of indigenous groups which were not reached in Brazil (in the deep Amazon). In this case, the cultural isolation is so sharp, that no rule of Brazilian Criminal Law it is applied there, being allowed - according to indigenous customs - infanticide and death penalty by decision of the village chiefs or councils. This isolation, is even seen by the National Indian Foundation in Brazil (in Portuguese



FUNAI, Fundação Nacional do Índio) as an essential policy for the preservation of the cultural identity of these people, it would be easily lost if they were to have contact with the “white man”. Today, there are a few hundred still uncontacted tribes living in the Amazon.

Of course, isolationism is justified only within a few extreme situations, and it is not fitting where communities settle entails with economic or social nature. In this case, the isolation will produce a serious exclusion in disfavor of some national communities, depriving certain groups of the access to goods and services, which were so reserved for the non-isolated population. Just remember the Jewish ghettos and restrictions on its inhabitants, or of modern laws in Europe that keeps excluded local citizenship to children born on European soil, but whose parents are from other countries and cultures.

The outcome of this segregation, is the failure of social solidarity, social exclusion disturbing public order and insurrection in relation to the dominant values by those who feel themselves excluded.

### 3.2. Multiculturalism (strict sense)

If isolationism is not the solution, it can only be admitted a strict-sensu multiculturalist policy.

Here, tolerance is relative, because there is no complete indifference to the cultural groups present in the state.

The reason is that community life requires that the rights of any group are not absolute. The total permissiveness to strange customs creates many problems because lower social cohesion removes the possibility of living together in the same spaces and reduces the solidarity that must permeate life in society.

In a study on multiculturalism that has been held for ten years, the Harvard Professor Robert Putnan, using data collected from 26,200 people in 40 communities, found that the more racially diverse is a community, it exists less solidarity, there is

less confidence in institutions and politicians, and lower social altruism. On the other hand, the more homogeneous is a social group, more public spending will be made for the community in general.

This research<sup>3</sup>, rather than to take a hasty and erroneous conclusion that racial homogeneity corresponds to the basis for progress, should be used to the understanding that only by building common national values it will be possible to remove any idea of relativism and segregation in order to meet the goal of a solidary community.

The strict-sense multiculturalism is a kind of cultural universalism mitigated because it preserves the idea of basic or national common values that can unite all members of the community, while respecting certain diversity, if and while differing values do not compromise what is essential to the life in the society.

It is seeking diversity in equality, or equality in diversity, in a necessary balance, because it can be tolerated only a part of what is different, and another part will be not. There are no absolute rights or total cultural expression, and each cultural group, including the foreign community and the minorities, and even the majority, must give up what is required for the sake of integration to common core values.

An example can shed light upon this idea: in Brazil, the African religions practiced public sacrifice of animals. Now, the practitioners living in common areas with no-practitioners, especially in urban environments, share the common understanding that animal sacrifices harmed health and common values on public hygiene and the protection of animals. It arose because, as a model for coexistence, it was required the abstinence from the practice of animal sacrifices, and the rite was replaced by other kinds of offerings in a solution that preserved superior common values to the whole community.

Someone may refuse to allow the military service because of cultural reasons. However, many countries admit that this objection can always be replaced by an alternative provision of public

character, which reconciles the opposition with the idea of proportional social charges and re-creates interpersonal solidarity.

Today, the great world problem is that the degree of tolerance is variable in time and place, depending on circumstantial wealth of the country. The tolerance depends on how the available social resources will be shared, and on the consensus on what is essential to share. That is, what are the common, basic and essential values to choose.

#### **4. The crisis of multiculturalism**

The presence of a growing contingent of Muslims in Europe and other Western countries raises the question of conceptualizing and the possibility of construction of basic and common values, which are necessary to a strict-sense multiculturalist perspective and tolerable coexistence between all members of the population. Even for maintenance of the essential solidarity and social altruism.

Between Western and Muslim, it seems there to be a major point of divergence: equality between genders. While French Muslims require segregated public pools, doctors of both sexes in all specialties, permission to unrestricted use of the veil in schools or absence of female physical activities in public spaces, at the same time France (the State) responds with the impossibility of give solution for these demands, because there are huge economic costs involved and especially because there is the unacceptability of the assumption that the sexes can - in health and education aspects - enjoy the desired differentiation. This segregation-oriented policy is referred by Sarah Song, of the University of Berkley, in her article *Multiculturalism*, in which she points out that "some group-differentiated rights are held by individual members of minority groups, as in the case of individuals who are granted exemptions from generally applicable laws in virtue of their religious beliefs or individuals who

seek language accommodations in schools or in voting. Other group-differentiated rights are held by the group qua group rather than by its members severally; such rights are properly called group rights, as in the case of indigenous groups and minority nations, who claim the right of self-determination.”<sup>4</sup> Further on, it will be said that these integration policies of minorities into the larger civilian and cultural framework of a nation, will bring about critics, one of them is certain privileges afforded to the minorities members or even stimulus of raising conflicts of minorities within other minorities.

The example shows how the French society as a whole does not enjoy yet a balance on an essential point “non-negotiable” for most of the French, but absolutely “certain” to the Muslims under penalty of mischaracterization of their cultural expression and social life.

But after all, what society are we talking about? An entirely-indifferent society to others’ cultural values, segregationist and isolationist? Or a multiculturalist society, in which basic and common social values must be constructed and accepted as a basis for social coexistence in a single inclusive space? Is there a chance of acceptance of common values by both sides?

This seems to be a matter of great importance in the nowadays world, which is plagued by intolerance, fundamentalism, radicalism and terrorism. And the difficulty in achieving the necessary balance and setting up a common-core values seems to be generating a critique of the concept of strict-sense multiculturalism as State policy. For some, there would be no chance of success in this policy, because it will always remain the radicalism and intransigence of certain minorities.

Criticism of multiculturalism earned academic forum in 1992, with the release of the article – converted in 1997 in the book *The clash of civilizations and the remaking of the world order*<sup>5</sup>, by Samuel Huntington, for whom multiculturalism is an anti-Western ideology. However, the Islam will continue to maintain contact with

the Western civilization. Globalization, trade, communications, migration, internet etc., insist on opening the doors to a world of values from the other world.

In *The Contemporary Arab Reader on Political Islam*<sup>6</sup>, a collective book organized by Ibrahim Abu-Rabi, It is possible to draw out a general conception that western capitalism and liberalism created a segregation model, becoming Islam an alternative to capitalism and to the West. It is known that many western advertising, books, music or cinema can destroy much of the traditional values and way of life in Islamic society; and that economic and social segregation reinforced this religious identity, because it grouped together those common conditions of segregation and relative poverty. Despite the Muslim fundamentalism is able to gather only 50,000 of the 1.5 billion Muslims in the world, a significant percentage of Europeans see it as a threat to national identity. Nationalist and xenophobic movements abound in politics in several European countries.

Undoubtedly, multiculturalism as state policy in the West, goes through a widespread crisis, because many do not know how to overcome the difficulty of respecting such as intended by migrant communities (with demands that occur in the name of the affirmation of national and cultural identities).

Countries considered multiculturalists such as Canada, support the need to build common values, according to the implemented policy in 1971, under the title "Just Society", or under the Canadian Multiculturalist Act. But the Netherlands has been criticized for having abandoned multiculturalism and returned to the cultural universalism, after the declaration in 2011 of its first minister that "culture, norms and Dutch values should be dominant". The "National Front" in France, the "One Nation Party" in Australia and many other examples mean for many a crisis of multiculturalism.

## 5. First conclusion: Multiculturalism and mankind

It's necessary to make a self-criticism to certain models of multiculturalism.

First of all, the group identities are not natural categories. They are not innate but learned, so it implies that they may be abandoned or changed. As to nationalism, these identities are useful, but only under certain circumstances, for certain purposes, for a certain time.

When you think of a new international context where the interactions between communities is a reality, and identities are destroyed and rebuilt incessantly before the inevitable technological, spatial and commercial contacts, it must now be searched another sort of identity with new essential common values. These new common core values will therefore be universal and based on respect for coexistence and at the belief that this is desirable and inevitable, and that there are no absolute rights. Just in what is not essential for the coexistence, differences may exist. The community of common interests and values requires a common culture in some basic aspects for the social coexistence, precisely formed by common interests and values. Then, it's necessary to cease irreconcilable values at the same society. This is in the words of Albert Einstein a true disease: "Nationalism is an infantile disease. It is the measles of mankind".

On the other hand, any relativist, isolationist or segregationist politics deeply destroys the social tissue. The problem of European Muslim youth is not to have two cultures, but properly not to experience any of them, because there is social exclusion. They cannot follow exactly the Islam in France, and they do not feel themselves well welcomed by the West, that often keeps far from them the benefits owed by others.

The strict-sense multiculturalism is only able to take further steps when there is a possibility to identify or to perceive common-core values, as values that can bring to the community a better life, and promote solidarity and altruism. After all,

as identified Paul Zak in his book *The Moral Molecule*<sup>7</sup>, human development requires unselfishness. And altruism necessarily arises from the identity of individuals. This identity can only come from common values, which exceed in importance details of race, color, origin, geography. It is necessary to identify the essential traits of common mankind in each of us. After all, as Montesquieu said, "I am a citizen of humanity first and by necessity, and a citizen of France second, and only by accident". Also the Algerian Albert Camus noted: "I love my country too much to be a nationalist". Or, as predicted the British Herbert G. Wells, "our true nationality is mankind".

I would say that our true culture must be our mankind.

## 6. The rising of the Institutions

But how to build the multiculturalist policy? The answer could be the Social Power.

*"From these things, therefore, it is clear that the city-state is a natural growth, and that man is by nature a political animal, and a man that is by nature and not merely by fortune citiless is either low in the scale of humanity or above it (like the "clanless, lawless, hearthless" man reviled by Homer, for one by nature unsocial is also 'a lover of war') inasmuch as he is solitary, like an isolated piece at draughts."*<sup>8</sup>

In this way Aristotle defined the nature of man, which is simultaneously gregarious, social and political.

City-states, or States, are a natural consequence of the human character. Like Aristotle pointed out, it is a "natural growth". The life in society demands a sort of conditions or organization between individuals. Anarchy or absence of rules would bring to an end the possibility of living together. These conditions or organization is a complex system of duties and responsibilities. For each arrangement we will find a specific institution.

Thus, State came into existence with the emergence of man, because the common protection against enemies (animals or

hostile human groups) and the promotion of a general supply of alimentation, protection against unfavorable climatic conditions and so on, demanded an organization of the scarce resources, which was only possible after the social establishment of the *hierarchy*<sup>9</sup>, *specialization*<sup>10</sup>, *coordination*<sup>11</sup> and *integration*<sup>12</sup>. State carries out exactly this work among individuals.

Another example is the family, that came into existence naturally, institution which was born out of the survival and evolution needs, after sexual activity had been practiced by a couple or group and the birth of the offspring. All individuals who did not protect the young, did not give continuity to the specie, which furthered a natural selection by only using individuals who were able to understand and increase such institution.

State and family are ancestral institutions. But there are a great number of others ones, that were born out of the complexity of life in society.<sup>13</sup>

## 7. Law, Institutions and Political Power

Law is power, because legal rules establishes the relations among individuals within a society, and affords the permanence and stabilization of these relations. The *hierarchy*, that is inherent in the state, helps to develop a perfect way to demand the enforcement and observance of rules, with menace of sanction. Law is a human creation that corresponds to an (inter)institutional police. Law is derived from and means an institution for maintenance of the institutions.

Thus, power becomes institutionalized in formal social organizations by Law.

Law defines the structure of a society, because the society needs be defined and protected by a large frame of settled-out legal duties and rights.

As Janani Harashi has written, "*society is more than the sum of all people. It is an intricately linked, complex organization. It is like*



*the human body.*"<sup>14</sup> Society can only be defined by Law and it is protected by the institutions and has settled them out.

As it was considered above, Law has the role to organize and stabilize the relations among individuals in a society, and to reinforce all the institutions by granting to State coercion power.

Even the political institutions are defined and circumscribed by Law, because the hierarchy, integration, coordination and specialization (which are the base for government's activity) imply juridical duties, rights and responsibilities among individuals.

## **8. The Governed's consent**

But does the law have its own will? Obviously not. The Law is not an autonomous institution, with self-direction and self-determinate. The juridical rules, under any kind of government, must get the acceptance of the individuals of a society.

Even when the law has been imposed by an authoritarian leader and his army, without the acceptance by the society, the imposition will be hardly stable.

It is possible to impose authoritarian rules on some individuals or a specific group all the time. It is possible to impose these rules on all the individuals some of the time. But the history has not register any imposition on all the people all the time (or large time) without a minimum grade of acceptance.

The consent is the base for the Law, and democracy has the advantage to facilitate the permanent and contemporaneous control of the creation and modification of juridical rules.

The legal rules, when established without link with the true aspirations and values of the society, use to be deprived of its legitimacy and treads on toward the lack of applicability to real world. Formal and not-formal insurrections will come out, official clashes will take place, government support will become increasingly fragile, and in the course of time it will be necessarily

opened new paths or models for the political governance in the society.

History has demonstrated that the lack of democracy is only supported when the people believe that other superior or valuable rights are granted by the government, and offer acceptance to the state impositions. But the social power, like the constituent power, is always potential and belongs to the people. Democracy is certainly a decision of each people, when they perceive the advantages of living under a different political power system, and no more accept the authoritarian treatment because of the absence of any valid reason.

In this sense, the source of the political, social and legal power is the people.<sup>15</sup> Because of this, *“human capital is the ultimate source of all resources, and it is inexhaustible in potential”*.<sup>16</sup>

## **9. Second conclusion: Human Rights and distribution of Social Power**

Democracy is not the only value to be considered by individuals in one society. The social power is so related to all the human rights that the legal system has to consider (or not) in its provisions.

Only the human rights taken as a consent by the people must be adopted by the Law. Human rights are historical, evolutionary and variable. But it is a fact that all the human rights which are estimated by the society as appropriate ones, must be performed by the legal system as a consequence of the social power. Justice is consensus.

The history of the advance of the human rights means the history of the increase of solidarity and equality. Only when the solidarity and the equality develops, the individual, collective and social rights are reinforced and can be experienced.

Solidarity and equality indicate that some differences among individuals are merely secondary and accidental, unable to set

up a true reason of discrimination. These feelings and values show that the other one can be seen like any other, considered by the observer as an equal, creating proximity and empathy. These values suggest that the differences of gender, race, nationality and so on are commonly and generally irrelevant, and that the other one has more things in common than differences. It allows to see the presence of the common humanity in each one, what really matters.

As Janani Harish has registered, “today, clan loyalty or fierce regionalism is increasingly giving way to a growing sense among many people that we all share a common identity and destiny as human beings. Society is evolving from the nation state to the human community”<sup>17</sup>. The same idea Marta Nešković exposed it once: “We consider that the recognition of equal values of diverse human capacities is a necessary step towards the individual accomplishment acquired through the expression of a unique potential”<sup>18</sup>.

Our common core values must be perceived. These values make the best living, and promote solidarity and altruism. After all, human development requires unselfishness, and human rights come directly from our humanity. Altruism necessarily arises from the identity of individuals. It is necessary to identify the essential traits in common mankind in each of us. This is the Social Power essence and goal.

## 10. Notes

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## Notas

- <sup>1</sup> Law Professor (PPGD/UFBA, Brazil). Federal Judge (SJBA, Brazil). PhD, Law (PUC-SP, Brazil). World Academy of Art and Science Fellow. Academia de Letras Jurídicas da Bahia Fellow. Email: saulocalibahia@uol.com.br
- <sup>2</sup> About multiculturalism and religious freedom, see the article written by Manoel Jorge e Silva Neto, *A Suprema Corte norte-americana e a liberdade religiosa*. In *Revista do Programa de Pós-Graduação em Direito da UFBA*, v. 15, p. 29-38.
- <sup>3</sup> Putnam, Robert D. (June 2007). “*E Pluribus Unum: Diversity and community in the twenty-first century*”. *Scandinavian Political Studies*. Wiley. 30 (2): 137–174. doi:10.1111/j.1467-9477.2007.00176.x. The 2006 Johan Skytte Prize Lecture.
- <sup>4</sup> Song, Sarah, “*Multiculturalism*”, *The Stanford Encyclopedia of Philosophy* (Fall 2016 Edition), Edward N. Zalta (ed.), URL = <<http://plato.stanford.edu/archives/fall2016/entries/multiculturalism/>>

- <sup>5</sup> London: Simon & Schuster, 1997.
- <sup>6</sup> London: Pluto Press, 2010.
- <sup>7</sup> New York: Dutton, 2012.
- <sup>8</sup> Aristotle, *Politics*, 1.1253a. In *Aristotle in 23 Volumes*, Vol. 21, translated by H. Rackham. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1944.
- <sup>9</sup> “Vertical grouping and delineation of authority and responsibility are required for the smooth functioning of any organization.”, defined Janani Harashi, at the article *Society and Social Power* (in *Cadmus* v.2, issue 3, 2014: p.47).
- <sup>10</sup> “Specialization is an improvement on coordination wherein different individuals or sub- groups within a group perform different tasks, and collectively accomplish far more than would otherwise have been possible. () Specialization is an improvement on coordination, and generates greater social power.” Idem, p.46/47
- <sup>11</sup> “By coordinating the efforts of many people, society acquires capacities that are not available when everyone acts in isolation.” Idem, p. 45/46.
- <sup>12</sup> “Integration magnifies the energy of organization. Within a group, when the various subgroups and their activities are integrated, the overall effectivity is enhanced.” Idem, p.47.
- <sup>13</sup> About all this process, Janani Harashi pointed that “the building that one calls house gives an objective reality to the biological tie of the family, but it is not just this physical structure that fully explains the idea of family. A set of rooms – some brick and mortar are not enough – and the social construction of roles and responsibilities are needed to make the biological tie real and complete the family. Society consists of many such non-physical structures that bind people. Language, manners, customs, standards and laws are some. They define and guide the interactions between people. They are like the standardized language, HTML, which makes it possible for billions of people to interact with one another on the internet. Guilds, unions, currencies, governments, armies, religions, trade, markets, factories, ports, banks, courts, parliamentary assemblies, hospitals, schools, newspapers and other media are specialized institutional structures that enable society to engage in a wide range of activities – for self-defense, production, exchange, commerce, governance, healthcare, education and recreation”. Idem, p.39.
- <sup>14</sup> Idem, p.40.

- <sup>15</sup> *“The source of social power is people. It is from people’s aspiration, energy, and capacities that society derives its power. When individual capacity is organized and channeled through a system, it becomes social power”*. Idem, p. 44
- <sup>16</sup> Idem, p. 49
- <sup>17</sup> Idem, p. 38.
- <sup>18</sup> *Knowing Beyond the Structure: Maximizing Social Power through a Synergistic, Values-based Approach on Diversity*. Article in *Cadmus* v.2, issue 6, 2016: p. 134.