

Manuel Moix Martínez, *La Política Social y la libertad. El ideal moral del Bienestar social*, Preliminary Study by Jerónimo Molina Cano and edited by Sergio Fernández Riquelme and Ester Bódalo, Ediciones Isabor, Colección Elmare, Murcia, 2009, 194 pp.

This book by Manuel Moix Martínez has been published in a collection dedicated to Social Policy in Spain, which is directed by Jerónimo Molina, senior lecturer in Social Policy in the Social Work School of the University of Murcia, who is a member of the *Verein für Socialpolitik* and has promoted the prestigious periodical *Empresas Políticas*. Moix was born in 1927 in Madrid and undertook ecclesiastical studies which were complemented, but unnumbered by the passage of time, by a sound training in classical Greek and a superlative knowledge of Latin language. But, since he had no vocation to the consecrated life, he gave up the atmosphere of candle smoke and cold corridors in the Apostolic College of the Paul Fathers in Tardajos (Burgos) and went back to the real world, but not before having cherished the adventure of becoming a missionary in Africa. Moix went from imagination to reality<sup>1</sup>. After completing the corresponding studies, he was awarded two PhDs, one in Political Science and another one in Law. Jerónimo Molina mentions all the degrees he obtained and the dates when he submitted his PhD thesis (the ecclesiastical PhD in Philosophy will be briefly commented upon below). Molina also refers to a fourth PhD in Comparative Law in Helsinki (p. 17) but without providing details regarding the university, the date, the title or the language.

Moix Martínez was a professor in Political Science in the Faculty of Political Science and Sociology of the Complutense University (Madrid). Moix, who was a former assistant professor in Social Policy, Social Work and Social Welfare, after passing a competitive examination, became the successor of Federico Rodríguez Rodríguez (1918-2010) in the Madrid chair. When subject areas were established, Moix became a professor in Social Work and Social Services, in 1984.

From this position, he chaired numerous university committees thus contributing, making use of his vote and moral authority, to the proliferation of senior lecturers in schools and faculties, and school professors in this new subject area in Spanish universities. Nevertheless, according to Jerónimo Molina, his retirement plunged him into the most outstanding oblivion and his scientific work fell into «a scandalous silence» (p. 12). The reasons for this seem clear: Moix was no longer useful for many and, as for his ideology, he was not a leftist, not even a liberal, but an extremely conservative person, whose frame of mind was hardly compatible with the ideology prevailing within Social Work<sup>2</sup> at university.

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<sup>1</sup> This is something which takes place in everyday life, not only in written prose or in painting, where it becomes one of its central themes, «the very statute itself of not only literature but also of the very existence of art», as Anna Kukułka-Wojtasik put it in the preface of the proceedings of the Conference *Réalité et imaginaire*, Uniwersytet Mikołaja Kopernika, Toruń, 2003, p. 5. Witold Stefański's statement in the same Conference, "Le réel i l'imaginaire z punktu widzenia językoznawczego", pp. 341-347, was also very inspiring.

<sup>2</sup> Jerónimo Molina, being as conservative as Moix, shows his uneasiness by means of a harsh attack against what he calls pamphlet literature within Social Work. The authors of this review respect but do not fully share Molina Cano's statement: «It was a true intellectual disaster the fact that, at such a delicate time as it was when Social Work schools became part of University, an ideologically biased bibliography, which was the fossilized by-product of a left-wing ideology

Moix Martínez defines Social Policy as «any type of organized action aimed at the free promotion of social welfare in society» (p. 91). Moreover, «its material aim is society, and its formal aim is freely promoted Social Welfare» (p. 92).

According to Manuel Moix, «Social Policy is made up of a range of disciplines with uneven relevance, contents, scope, and development degree, which, nevertheless, manage to keep an undisputed and immutable entitative unity» (p. 93).

Moix Martínez compares Social Policy in Latin and English-speaking countries tradition, the former focused on subordinate and dependent work and the latter on those who do not wish or are unable to work (tramps, delinquents, the fourth age, pickpockets, ill and disabled people, cripples, children, etc.) (p. 41).

On the other hand, Moix points out the common mistake in part of the discipline, especially in Spain, by which Labour Policy and Social Policy are assimilated. Furthermore, it is well known how Karl Marx, the most renowned and influential (for better or worse) economist of all time, distinguished between universal labour and communal labour. Hence, «universal labour is all scientific work, all discovery and invention. It is brought about partly by the cooperation of men now living, but partly also by building on earlier work»<sup>3</sup>. Both universal and communal labour are part of the production process.

Apart from Moix's considerations, but partly reflecting his thought, the History of Social Policy would be the evolution of Public Policy related to social protection, that is to say social assistance and, then, Social Security.

Social Policy concept has evolved throughout history and it has done so differently depending on the countries and social communities involved. According to other authors, the definition of the History of Social Policy, in this sense, would be the History of the State's activity to solve social issues. Social Policy always implies the State's action. This State's action is wider than Labour Policy and Law, since it would also include, firstly, Industrial Policy and Law; secondly, Real Estate Policy and Law (low-priced housing, current public housing, etc.); and, Cooperation System Policy and Law, and their country-specific modalities. According to these principles, Thomas Humphrey Marshall (1893-1981) had noted that Social Policy has been historically linked, both in Europe and America, to the use of public power to supplant or replace, on the one hand, but it has also been aimed at completing or modifying the mechanisms of the economic system in order to achieve some results which would otherwise be difficult to reach by either a political system or some political parties or even workers' associations such as trade unions –so useful and beneficial for the functioning of the Social and Democratic State of Law (*Rechtsstaat*)– on their own.

Social Policy has historically fitted in the Social State model. The essence of the Social State is its neutrality, in accordance with Lorenz von Stein's theory

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from countries which had nothing in common with Spain, which had become a middle class country since the 60s, seeped through the *alma mater* under the guise of the new degree and new departments' scientific prospects. It has taken twenty years to straighten out the situation, but the damage caused to several university student cohorts by such books as *El trabajo social como acción liberadora*, by Ezequiel Ander-Egg, has no remedy» (Jerónimo Molina, "Preliminary Study", p. 14, note 10).

<sup>3</sup> Kark Mark, *Capital*, Penguin Books, London, 1991 [1981], Vol. 3, p. 78.

(1815-1890), who was a German legal scholar, a philosopher and a lecturer in the Universities of Kiel and Vienna as well as a distinguished theorist of Social Monarchy. However, another social discipline, the History of Social Work refers to the history of philanthropy action. This may be due to different reasons: i) vague love to humanity; ii) Christian charity; and, iii) Masonic philanthropy. The term philanthropy comes from the Greek word *φιλανθρωπία*, a compound of the words love and man, *φίλος* and *άνθρωπος*. Its meaning is, therefore, love towards man, selfless love which leads to care for others and relates to feelings of goodness and benevolence.

This philanthropy action is not necessarily political in nature, or rather it has usually lacked it throughout history. Nonetheless, the fact that many social workers are nowadays part of the civil service or social organizations relates to the growth of the State, its competences, and to its taking on social policies as is currently the case in Spain, where social policies have become the flagship of José Luis Rodríguez Zapatero's government. But Social Work connections with the public sphere are not accidental. When there was no *Rechtsstaat* in Europe, the United States and Canada, in the XIX<sup>th</sup> century, Social Work already existed.

Consequently, Social Work is related to a Welfare State political form, which, unlike the Social State, has two connotations: a clearly religious one, such as the Anglo-Saxon Puritanism, which led many people to live rigorously, as if they were the Good Samaritan, according to a set of private and public virtues and with a deep concern for their fellow men; and, a vocational one, aimed at reforming the man from the inside.

Nevertheless, it is mandatory to make a digression before proceeding. The core of Private Law has been based on Property Law for centuries. But, as Álvaro d'Ors Pérez-Peix (1915-2004) stressed, with unquestionable moral authority, «instead, labour relations are now the main subject of legal life; consequently, a future Civil Law which does not have property as its core but the required service as an extension of the current and very limited concept of labour should be considered»<sup>4</sup>.

Leaving aside Moix Martínez's work, we also find it convenient to mention that the History of Labour Law lacks university tradition in Spain and used to be considered as some merely introductory lessons in Labour Law courses in Spanish universities. Furthermore, no Law degree syllabus in the XX<sup>th</sup> century, not even the 1883 one, which was somewhat comparative and open, included Labour Law. Neither during Alfonso XIII's Monarchy, did any syllabus include

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<sup>4</sup> See d'Ors Pérez Peix, "La función de la propiedad en la Historia del Ordenamiento Civil", in *Historia del Derecho Privado*, Barcelona, 1989, p. 2,865. See the full article in pp. 2,841-2,865. d'Ors also points out that «it seems undeniable that, in today's legal reality, Labour Relations is the most serious and important topic, even from a quantitative point of view. In this sense a new Civil Law focused on all types of Labour Relations, without excluding those which exceed today's too narrow concept thereof in the relevant legislation, and which includes all types of labour, would better respond to the legal reality of our time. It would not be a matter of dogmatizing Labour Relations from a Civil Law viewpoint, but, rather, as it was advised almost half a century ago, a matter of reconstructing Civil Law based upon Labour Relations' new reality» (p. 2,862). Curiously enough, Harold Laski (1893-1950), the great Labour leftist intellectual, who was occasionally a communist, considers the system of private property, in the first half of the XX<sup>th</sup> century, to be unfair, subversive and utopian, but since it is a social fact, it may be subject, as Laski wished, to further transformations so as to avoid the existence of a parasitic sector within communities which lives at the expense of others. See Harold Laski, *A Grammar of Politics*, Spanish translation, Granada, 2002, pp. 215-217.

Labour Law subjects (which would be considered as a part, never actually taught, of Civil Law, despite labour scholars have always considered this subject area the perfect combination of Public and Private Law). In 1931, the Minister of Public Education and Fine Arts, Marcelino Domingo Sanjuán, amended legal studies by Decree but Labour Law was not included.

But it was included in the University of Barcelona Law Faculty from the 1934<sup>5</sup> syllabus onwards as an undergraduate subject in the BA Degree in Law. In the Reform of Legal Studies Bill from 1933, drawn up by the Civil Law professor in the University of Madrid, Felipe Sánchez-Román y Gallifa (1893-1956), and revised by Fernando de los Ríos Urruti (1879-1949), Labour Law<sup>6</sup> is included as an optional undergraduate subject. From the 1944 BA Degree in Law syllabus, and the BA degrees in Political Science and Economics syllabuses which started in 1943-1944 academic year, Labour Law has become a compulsory subject with increasing importance until present day.

Within Labour Law, the History of Labour Law has nearly always been limited to merely introductory lessons in Labour Law subjects (over time we have reached 2010, when its history has increased) in Spain, while in France there have been Law or Law, Economics and Management faculties which have included the subject *Histoire du droit du travail* [History of Labour Law], and, in Italy, the subject *Storia della legislazione del lavoro* [History of Labour legislation] has been taught in the *Consulente del Lavoro* [Labour Consultancy] degree, even though these studies have fallen into decline in this country.

When the *Escuelas de Graduados Sociales* [Labour Relations and Social Security Consultancy Schools] were created in Spain, the main subject related to history was the Social History of Labour, which was taught in year one of the degree and was more concerned with legal issues rather than social ones, since it was usually lectured by History of Law professors from Law faculties or by legal scholars instead of by general historians.

As for the History of Social Security, it corresponds to the period known as the Welfare State, when a Social Security system was created. In France, for instance, it was created on 4<sup>th</sup> October 1945 although its origins can be traced back to a Decree of the Convention on 19<sup>th</sup> March 1793.

If we return to the work we are reviewing, a list of Manuel Moix Martínez's publications can be found at the end of the book, pp. 186-193, of which the main characteristic is, even though it may seem difficult to understand if we take into account today's scientific parameters, that all of them have been published in Spanish language and in Spanish journals or publishing houses, except for his ecclesiastical PhD thesis, which was published by the Pontifical University of St. Thomas Aquinas in Rome but, needless to say, it was in Spanish language.

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<sup>5</sup> See María Encarnación Gómez Rojo, "La planificació dels ensenyaments de caràcter històric, amb especial referència als seminaris, a la Facultat de Dret i de Ciències Econòmiques i Socials de la Universitat Autònoma de Barcelona", in *Revista de dret històric català*, 5 (2005) [2006], pp. 165-206, about the syllabus taught in the Law Faculty in Barcelona since 1933.

<sup>6</sup> The original text of what was actually a working paper, with Fernando de los Ríos's handwritten corrections, which was entitled «Bases de un proyecto de reforma de las Enseñanzas Universitarias» [Foundations for a reform bill of University Studies] and submitted to the Council of Public Education, is available at the Historical Memory Documentary Centre, in Salamanca, Civil War, Madrid, Socio-Political Section, file 1,381, one-piece document. It was published by Manuel J. Peláez y Concepción Serrano, in *Epistolario selectivo de Fernando de los Ríos Urruti II*, Barcelona, 1995, pp. 88-99, No. 27.

In the bibliography list mentioned above there is just one of Moix's articles missing, which was entitled "Justicia y justicia social. Recapitulación", in *La Razón histórica. Revista española de historia de las ideas políticas y sociales*, No. 2 (1993), pp. 187-193; and a book, in collaboration with Luis Buceta, of which a rudimentary version was published and can be found in some libraries, entitled *Apuntes de Política Social. Explicaciones de la Cátedra de "Política Social" de la Facultad de Ciencias Políticas y Económicas de la Universidad de Madrid*, Madrid, 1963. Apart from this, the list of Moix's publications could not be any more exhaustive.

Another interesting remark is that this book is based on his PhD thesis, presented in the Philosophy Faculty of the Pontifical University of St. Thomas Aquinas in Rome, formerly the Pontificium Athenaeum Internationale Angelicum, perhaps once famous, but which is nowadays one of the worst considered ecclesiastical universities in Rome according to international quality rankings. In accordance with the Webometrics Ranking of World Universities, it is ranked after the Pontifical Urbaniana University (the best ecclesiastical university in Rome), the Athenaeum Pontificium Regina Apostolorum, the Pontifical Gregorian University (which belongs to the Society of Jesus and has been run for year, as its rector, by the ineffable but not infallible, Father Ghirlanda), the Pontifical Lateran University, the Salesian Pontifical University, and the Pontifical University of the Holy Cross.

According to the Webometrics ranking, all universities ranked below the 2,000 position are considered to be of poor quality (which is the case of all of the ecclesiastical universities in Rome) but, when ranked below the 4,000 position downwards, their quality could not be worse. The Pontifical University of St. Thomas Aquinas's position is 7,277.

In order to explain these results (an explanation which is not provided by Webometrics), we have to point out that the specialization of the studies and research in these universities contributes, to a large extent, to their poor position in quality rankings, since they lack Pure Science and Technological studies. But if they were to promote and diversify Humanities and Social Sciences studies (Labour Relations, Social Work, Classical and Modern Languages, Law, Management, Communications, Translation and Interpreting – the Church is universal and, therefore, is continuously rendering documents into dozens of languages, and there is no evidence that this task is always carried out professionally, due to a lack of theoretical and technical training of those who translate<sup>7</sup>–, Development Economics and Policy, Sociology, etc.), they would surely improve their position in international rankings. And, above all,

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<sup>7</sup> A relatively recent example of this is the case of the book written by Joseph Ratzinger [Benedicto XVI], *Jesus of Nazareth: from the Baptism in the Jordan to the Transfiguration*, translated by Adrian J. Walker, Doubleday, New York, 2007, which was faced with many difficulties and problems when it was translated into Spanish and, as a result, the translation was returned from Rome to be redone. This has been the case with many other documents, but above all articles by Ratzinger, whose translations have had to be revised by experts. We now recall an anecdote about a document in which the Garden of Gethsemane on the Passion of Christ had been translated as the "Garden of Oil". If this takes place with the Roman Pontiff's work, needless to say what could happen to other documents, and especially when it comes to exotic Asian or African languages. A Dutch sworn translator once mentioned he had come across the translation of a religious book from Spanish into Dutch, where the term "friar" had been translated as "priest", the latter being the term used in the Spanish text, which, in this case, referred to a "secular priest", not to a member of a religious order, and this, from a Canon Law viewpoint becomes an extremely serious conceptual mistake.

they should be offering fewer courses on Metaphysics and Philosophical Anthropology, and more on Social, Legal and Political Philosophy.

Another final remark we would like to add is that Moix's social theories do not seem to have had the slightest influence in Germany, Holland, Italy, France, England, Poland or even the United States, Canada or Australia, which are all scientifically recognized countries in the field of Social Sciences. It is most striking that having visited as an expert so many countries around the world, there is not a single publication outside Spain, even more so if one takes into account the fact that Jerónimo Molina has been able to access Moix's office and check what was left there.

But this does not detract from the fact that the present book has been written by a professor from the Complutense University, which is considered by many as the best Spanish University, and it is also a collection of continuous and exceptional suggestions, which leads Jerónimo Molina to affirm that we are facing «a new understanding of Social Policy» (p. 9). According to Moix, the XXI<sup>st</sup> century needs «a Social Policy based upon freedom, a Social Policy for freedom». However, this Social Policy does not come from the ranks of liberalism, or neoliberalism, but from the essential constituent elements of the Church's Social Doctrine. [*Recibida el 30 de octubre de 2010*].

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