

DP-09/2025. ¿Which General Principles of the Social Security nowadays?

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1. Introduction

The difficulties that social security presents in terms of its legal characterisation cannot fail to be reflected in the conceptualisation of the guiding principles of the subject. A first complication arises when we observe that we are dealing with a discipline that goes beyond its exclusively legal apprehension. Guillermo Cabanellas and Alcalá Zamora y Castillo had already warned of this when they pointed out that 'within the luxuriance of the social sciences, social security is in the border zone of the legal and the sociological'. José Almansa Pastor expressed himself in a similar vein: 'Social security is perhaps one of the concepts that most resists legalisation'. The same Spanish master proposes to approach the question either from a political perspective or from a legal perspective, where the latter would refer to the means or instrument with which the aim of the social security policy is to be achieved, to the instrumental normative organisation and to the legal relations to which the latter gives rise.

In general, the principles of the various branches of law have been enshrined after a long historical process. This is not the case of social security, which we could characterise as 'brand new' law (in contrast to the 'new law' of which Alfredo Palacios spoke). The closeness between Labour Law and Social Security Law has led authors such as the Mexican Mario de la Cueva to consider that the latter 'is the extension of the principles of Labour Law'. For Fernández Pastorino 'Labour Law has been and continues to be absorbed by Social Security, which claims for itself all the rules and institutions for the protection of the individual'. For Fernández Madrid, on the other hand, 'they start from different sociological assumptions and also differ in their subjects and content'. Humberto Podetti speaks of a 'genetic-historical' relationship between the two disciplines. The truth is that, in reality, there is a clear overlap between the institutions of social security and labour law, with many of them maintaining an anchorage circumscribed to the problems of workers. It is a law in full construction, both in terms of its diffuse factual spectrum and of the apprehension of this reality by legal reason. The few references that can be obtained from comparative law, which adapts its 'principles' to its own circumstances, converge towards this perplexity. In the particular case of our country, another complexity is added: the lack of a basic rule of social security. In spite of the constitutional mandate that orders the National Congress (CN art. 75 inc. 12) to enact the 'Labour and Social Security' Code, in almost 70 years it has not even been enacted. In almost 70 years, not even a basic norm has been enacted, thus allowing for a jumble of scattered and unconnected norms.

Traditionally, the principles of law have been given the following attributions:

1. Orienting and Informative: It fulfils a legislative function (given that it informs and delimits the actions of the legislator by setting supra-legislative guidelines.

2. Normative and Integrating: It is also an element to cover legal gaps or vacuums. It acts as a substitute for a law, when there is, in some cases, an absence of the same, therefore, it is an integrating element of positive law.

3. Interpretative function: It sets rules of orientation for the judge or interpreter of the law, in controversies, and leads him or her towards a correct interpretation. The law should not be interpreted in accordance with the literal meaning of the words used, nor according to rigid grammatical guidelines, but rather in accordance with a profound legal meaning placed above what is said in the literal text of the law.

4. It harmonises legislative and judicial policy (it ensures the same legal certainty) and prevents judges or legislators from deviating from the system or creating parallel systems by passing laws.

2. Difficulties in characterising the principles of social security

The difficulties that arise when defining the principles of social security can be summarised as follows:

1.- Multidisciplinary nature;

Ambiguity and polysemy of the notion of social security. 2;

2.- Its ‘kinship’ with Labour Law;

3.- Its ‘youth’;

4.- Absence of a basic ‘corpus’;

5.- Different perspectives: macro and micro economic; legal and sociological;

6.- The notable national differences

Despite its ‘international’ vocation, social security presents sharp contrasts in the legislation of the different countries. This means that uniform criteria cannot be adopted when defining principles. By way of example: ‘universality’ may be established as a principle in those countries that have achieved coverage for all their inhabitants, but it should be seen as a trend in the vast majority of countries where it only covers sectors of the population. The same is true of comprehensiveness.

Even advanced legislation in this area faces difficulties of ‘tuning in’. This is how Tomás Sala Franco and other authors put it: ‘The difficulties in making progress in legislative harmonisation in the field of social security are obvious if we take into account the complexity of the schemes that coexist not only in the Community as a whole but also within each of the member countries, each of them responding to different conceptions of social security and consequently using different notions and means of financing in each case’.

In our law, too, we cannot resort to positive law to identify the guiding principles of the matter. In addition to the non-existence of a basic rule, there is the doctrinal criterion of authors such as Pla Rodriguez , who reject the possible incorporation of principles in positive rules 'since they are thus, in a certain way, crystallised and their development is impeded'.

3. **Saturation of principles**

We have found a whopping 25 different principles, detailed by different authors and international instruments (listed below). We could say, along with Mario Ackerman , (referring to labour law) that 'There has been an excessive and dysfunctional use of the qualification as principles'. In European doctrine it would seem that they do not have the lush Latin American imagination, (which is useful for winning Nobel prizes in literature, but does not help scientific rigour). By way of example: Almansa Pastor, one of the great masters of Spanish Social Security, only mentions the principle of solidarity. The Mexican Declaration on 'Principles of Social Security', embodied in ILO Convention 102, does not establish any principles, but only includes nine basic items of social security: medical care, cash sickness benefits, unemployment benefits, old-age benefits, benefits for accidents at work or occupational diseases, family benefits, maternity benefits, invalidity benefits and survivors' benefits.

In doctrine, principles are often confused with trends in social security, which is why Hünicken proposes a first distinction between principles and trends: 'The term principle is understood to be linked to the concept of origin or foundation, while trend is the orientation towards a certain end'. We are not entirely satisfied with the author's definition since principles encompass the notions of cause and end. We understand that the distinction implies a statement of reality: while the principle has reached an important degree of concreteness, the tendency will mean an expectation, a guideline. Obviously, we do not share the view of those who maintain that principles are an emanation of natural law, and that they cannot be subject to the vagaries of positive law.

On the other hand, we note that some authors also confuse principles with rules for their application. But Hünicken himself - in our opinion - incurs in another confusion, which is to include among the principles, mere operative rules (e.g. relative compensation, which we will develop below).

Let us see what this principled exuberance is:

1) Solidarity

2) Universality

3) Comprehensiveness

4) Subsidiarity

5) Relative compensation

6) Immediacy

7) Internationality

8) Dignity of man and his freedom

9) Unity

10) Equality

11) Expansiveness

12) Participation

13) Unrenounceability

14) Binding

15) Public ownership

16) Effectiveness and efficiency in management

17) Progressivity

18) Social Justice

4. The General Principles in the Ibero-American field of Social Security

As if we did not have enough principles (Groucho Marx dixit), we have others established in the Ibero-American Social Security Code:

1. Interpretation in the light of international social law 2.

2. Income replacement

3. Guaranteeing the purchasing power of benefits

4. Coordination

5. Financial rationality

6. Integration of economic and social protection policies

7. Legislative coordination and policy convergence.

Juan José Etala (p), undoubtedly the pioneer in incorporating the issue of social security law in our country, in his classic work on the subject points out five principles: solidarity, universality, subsidiarity, integrality and unity. Julio J. Martínez Vivot, while

claiming to follow Etala's thinking, adds immediacy, unwaivability and equality as fundamental principles, while universality, integrality, unity of management and participation of the interested parties are tendencies. Mexican professor Néstor de Buen agrees with these same concepts but adds a 'negative' principle and positive tendencies, which would also be universality, unity of management and stakeholder participation, (although the latter should be viewed with uneasy doubts, De Buen emphasises). Adrián Goldin lists only principles, namely: solidarity, universality, integrality, subsidiarity, immediacy, unity, equality and obligatory nature. Fernández Madrid also lists only principles: solidarity, universality, subsidiarity and integrality.

a) Solidarity

The only one of the principles listed that is unanimous among the authors is the principle of solidarity. Adolfo Jiménez Fernández, former Secretary General of the ISSO, has pointed out that 'the concept of solidarity colours and permeates the whole doctrine of social security. In a way, we can say that solidarity is the core of the raison d'être of our discipline. Solidarity is - without any doubt - the matrix and fundamental principle of social security; not so much as some authors focus on it by reducing it to a problem of financing, but as the essence of the human condition, which throughout the history of mankind has grown as the most effective means of fighting adversity.

The principle of solidarity is a kind of beacon, from whose radiation other beacons sprout, like offshoots of a common trunk. Something similar happens - as we see it - in labour law with the protective system, which is the foundation on which all other principles are based. In a way, the same is true in collective law with the principle of Freedom of Association.

Society must find in the solidarity effort of all nations and of all men - the Declaration of Chile expresses - a new inspiration to abolish misery and guarantee the dignified and sufficient conquest of the means of life, or as the Law of Bases of Social Security of Spain said at the time, 'without recourse to national solidarity in the face of the situations or contingencies protected, Social Security is no more than an artifice without true community roots'.

According to Hünicken, human society is based on two main postulates: a) Cooperation between fellow human beings; b) The help that people give each other, using education, government, language, etc. He points out that for Severino Aznar, human solidarity 'is a fatal, natural law, it is an inescapable fact', from which the principle of social solidarity is extracted, which distributes the economic costs of contingencies among the greatest number of people. Consistent with this principle, the Supreme Court of the Nation has declared the obligation to contribute, for reasons of solidarity, even if the member does not enjoy any of the benefits of the social security system.

b) Universality

Universality means that all the inhabitants of the country are entitled to benefits when the respective contingency arises, regardless of the type of work activity (subordinate or self-employed), or whether they are active or not, from a professional or economic point of view. The scope of application should therefore be aimed at covering the entire population.

All persons should participate in the benefits of social security systems.

This statement overcomes all the limitations inherent in social insurance, which was born with a class character, as a system of protection exclusively for wage earners. The function of social security is to protect the human being as such, within a given social collectivity, without any discrimination whatsoever.

Access to protection through comprehensive social security ceases to be a right for a specific group or groups and becomes a subjective public right, a fundamental human right that must be elevated to constitutional rank without restrictions.

Legally speaking, universality has two connotations: one with respect to the entire population, i.e. social security must be applicable to each and every member of the conglomerate of an organised society, without distinction of race, sex, age or social class. Secondly, universality is concerned with the coverage of social risks or contingencies, such as maternity, old age, death, orphanhood, sickness, industrial accidents and pensions.

c) Comprehensiveness

Comprehensiveness implies that the effects of need are covered progressively, according to the contingencies that cause them; a 'global protection against all risks and burdens that could affect health or standard of living', making effective the right to multiform protection, that is, in relation to the largest possible number of social contingencies, in accordance with the social conscience and the criterion of feasibility, we could say that the university has a horizontal character, while comprehensiveness is of a vertical type.

The principle of integrality refers to benefits. According to it, the cash and special benefits provided by social security, within an organic and systematised criterion, must cover the totality of each of the social misfortunes or afflictions for which they have been created, conceived in terms of quantity and timeliness. When the benefits do not meet this design, in terms of sufficiency and speed, it is clear that they do not meet or respond to the essentially tuitive criterion of their institution.

d) Subsidiarity

According to Julio Armando Grisolia, social security systems tend to oblige the state not to abandon its responsibility to cover the possible contingencies that may be suffered by any of the individuals who make up the community it governs and orders. For Social Security, this obligation of the State is non-delegable and must be provided at all times, both by itself and through its constituent bodies.

Given the long-standing tradition of social insurance, in terms of stakeholder participation, subsidiarity has positive manifestations in the form of the powers of self-management and self-regulation. In the first case, the administration of the system is organised with the participation of the insured, constituting an autonomous entity, with due and adequate supervision by the State. Self-regulation is the decision-making power of the system's organs, with binding effects on third parties, in both co-ordination and subordination relations. Through the participation of the interested parties, man is

revalued as a member of the community, giving priority to human values 'in such a way that they condition all management of the services that affect them'; and as opposed to the alternative of State management 'with weak collaboration of the interested parties' or their management with State control, management is postulated as more efficient 'the greater the degree of responsible participation of the interested parties, and not only at the central level, but also at the different territorial, local or sectoral levels'.

The State acts in a subsidiary role, ensuring by all means that the purpose of the social security system is achieved; to this end, it exercises its own responsibility through legislation and control, and through its economic participation. Its complementary action should be directed towards the weaker sectors, precisely to assist their socio-economic development, and to compensate, through economic mechanisms of national solidarity (general taxation), for the social security deficiencies of sectors which have not yet attained the social development to which they are entitled.

e) Relative compensation

Hünicken says that 'social security tries to compensate for the shortfall in income or excess expenditure brought about by social contingencies, but relatively, in the sense that, with some exceptions, its beneficiaries do not cover the total expenditure incurred or the income foregone. This concept has also been developed by the Spanish Professor Sagardoy Bengochea.

Clearly, we are not dealing with a fundamental basis of our discipline, but rather with a simple technical means to obtain greater efficiency. Under this idea, co-payment and 'ticket moderator' mechanisms have been established, which tend to rationalise the demand for social security services, particularly medical and pharmaceutical services.

f) Immediacy

The protected legal good is man, therefore, the object of the discipline is to protect him against helplessness. The benefit must be granted when there is a need, and must even take precedence over the accreditation of the right to access it. It is a well-known phenomenon in our country where the victim of a misfortune must wander between the providers of the Occupational Risks regime, the Social Welfare Funds and the public sector, until he finds someone to treat his ailments.

g) Internationality

At the World Congress on Labour Law and Social Security, held in Korea (1994), the Spanish National Report pointed out that: 'The diversity of the prevailing regimes, together with the considerable differences existing in the levels of remuneration or in the systems of coverage for social risks, makes it difficult, if not impossible, to harmonise legislation'. And further on it was added that: 'It is clear that multinational companies (some with budgets from some States) tend to establish themselves in depressed areas with cheap labour, sometimes engaging in outright social dumping'. The picture has not changed substantially in the three decades since that congress.

h) Human dignity and freedom

Vázquez Vialard , places this principle in first place, stating that: ‘In order for the life of the human being to develop in such a way as to ensure the exercise of his fundamental rights, the precise conditions must be created. Social security seeks to fulfil this purpose by relieving man of the anxieties inherent in situations of social contingency, by providing him with a financial allowance in order to protect him from the risk of being unprotected, without which his dignity and freedom would remain a mere theoretical statement. Dignity and freedom only make sense when certain minimum standards compatible with the necessities of an acceptable life are assured. In this way, social security emphasises the human dimension of social life’.

i) Unity

Hünicken sees it as a tendency ‘towards legislative unity or uniformity, as well as in the functional organisation of social security systems, in order to eliminate inequalities, antinomies, arbitrariness and complexities. Other authors, such as Vázquez Vialard, place it among the basic principles, identifying it as ‘unity of management’.

j) Equality

The principle of equality is another of those which, according to some authors, characterise social security. Martínez Vivot points out that it must be respected with respect to both contributions and benefits. It consists of equal treatment in equal circumstances of the protected subjects. It is connected, on the one hand, with the principle of universality, so as not to leave anyone unprotected. On the other hand, with the equal enjoyment of benefits in kind and amount, without discrimination in objectively equal situations; and with regard to financing, that its burden is shared equitably.

k) Expansion

As Professor Alonso Olea points out: ‘Social insurance almost always began to be established for low-wage workers in industry - the core of what was then called the “social question”, a direct human consequence of the industrial revolution - for whom it was thought, apart from the acuteness and proximity of their needs, that they were the most in need of protection and that this was the easiest to organise. Gradually, they were extended from the so-called ‘economically weak’ to workers with higher wages, eventually eliminating wage ceilings for insurance; from industrial workers to agricultural and service workers; and finally from employees to the self-employed. This trend is the first and basic feature of social security: the personal universality of coverage, making good the ‘right of every person to social security’.

l) Participation

This principle is based on the participation of all social actors, both public and private, involved in the social security systems and, therefore, they must be represented in the management of the entities that administer the different programmes, also having a say in the design of the system and all the changes and services to be provided. Although in our country this principle has constitutional rank, the different governments have clearly failed to comply with these precepts.

Article 19 of the Ibero-American Code considers it as an important basis for the social security policies of the Ibero-American States: 'The ratifying States, in accordance with their national practices, shall promote mechanisms for social participation in social security'.

m) Non-renounceability and obligatory nature

We deal with non-renounceability and enforceability in the same section, as we understand that they are one and the same issue. In fact, in the debate in the Constituent Convention of 1957, the Convention member Horacio R. Thedy pointed out that 'the word irrenunciable is used as compulsory'. Later, the constituent deputy Luis M. Jaureguiberry, contradicting what was said, remarked that 'Obligatory and unrenounceable are not synonyms. Compulsory refers to the person who provides a service. Non-renounceability refers to the person who receives a service'. In short, we understand that they are the reverse side of the same coin.

Martinez Vivot argues that 'the system is based on a necessary participation of obligated parties, eventual beneficiaries, who cannot even pretend to evade it, alleging that they will not use the benefits'.

In this regard, it is interesting to recall the 'Alberto Antonio Spota' case, decided on 25 July 1978, in which the prominent constitutionalist claimed for the double contribution he had to make to the Universities of Buenos Aires and La Plata. There the Court said: 'The obligation of a professor working in two national universities to contribute to two different social security funds by virtue of his positions is neither unconstitutional nor unreasonable since, presupposing the obligatory nature of social security, each of those contributions responds to the circumstance that the obligor is part of a community different from the other, especially when he is not legally deprived of using the benefits of both funds, and the fact of taking advantage of only one responds to the circumstance of being domiciled where the fund operates. The matter of social security goes beyond the framework of commutative justice, which regulates inter-individual benefits on the basis of strict equality, to become part of social justice, whose fundamental requirement consists of the obligation of those who form part of a certain community to contribute to the maintenance and stability of the common good proper to it'.

Alfredo Ruprecht says that the principle of solidarity 'is not based on a humanistic spirit, of voluntary help to others, of spontaneously helping those in need, but is purely economic in nature' and concludes 'Social Security acquires its enormous development from the moment it is imposed by law'. Adrián Goldin adds that it is a matter of 'compulsory affiliation and, where appropriate, compulsory contributions, which are the conditions for the functioning and viability of the system'.

n) Public ownership

The debate on public ownership of social security services is part of a larger, ideological controversy. The mere fact that it is a debated issue takes away the unfading character that is expected of a principle with claims to universality. What is certain is that in Argentine positive law it is enshrined in article 14 bis of the National Constitution, which places the management of social security in the hands of 'national or provincial entities', clarifying '...administered by the interested parties with the participation of the

State'. Currently in Argentina, practically none of the social security subsystems comply with the constitutional precept, reaching the extreme of occupational risk coverage, administered not only by private entities, but also by for-profit entities. The 1991 Constitution of the Republic of Colombia establishes that social security shall be provided under the direction, coordination and control of the State; however, it adds that social security may be provided by public or private entities, in accordance with the law (art. 48 CC). In the same sense, the Chilean Constitution 'guarantees the access of all inhabitants to the enjoyment of uniform basic benefits, whether they are provided through public or private institutions' and also adds: 'The State shall supervise the adequate exercise of the right to social security'.

In the case of 'Mac Kay Zernik Sergio L.C.', decided on November 3, 2001. case, decided on 3 November 1988, the Supreme Court deployed important guidelines on social security. The court held that the rules on social security contained in art. 14 bis of the constitution, while enshrining rights for retirees, expressly entrust the state with the granting of such benefits. 'This constitutional mandate, whose fulfilment is the responsibility of the public authorities within the sphere of their respective competences, would be frustrated if the authorities representing the state were to ignore the laws and act in an omissive manner to the detriment of the passive class'.

o) Effectiveness and efficiency in management

This is clearly a technical means, not a principle. However, the Ibero-American Code of Social Security (CISS) establishes among its principles a relevant one for the management of the system when it states: 'Efficiency in the management of social security requires a permanent approach to the modernisation of its forms and means of management, which incorporates the analysis of its operating costs and the application of advanced management instruments and methods, balanced in size and supported by human resources subject to constant training programmes' (art. 15). This principle is complemented by the rule that indicates the State's commitment to promote management 'based on the principles of effectiveness and efficiency, simplification, transparency, deconcentration, accountability and social participation' (Art. 16). As can be seen, the catalogue of criteria applicable to the management of social security is the way to achieve its full effectiveness and efficiency.

In Colombia, the Constitution emphasizes the principle of efficiency (art. 48) and the general social security law defines it as 'the best social and economic use of the administrative, technical and financial resources available so that the benefits to which social security entitles are provided in an adequate, timely and sufficient manner' (Law 100 of 1993, art. 2).

This principle coincides with the principle of immediacy, analysed above, and from which it emerges that social security benefits must be provided in a timely and immediate manner. In order for the benefits to be effective, the administrative procedures and formalities must be short and simple, the deadlines for the granting of benefits must be short and, in general, for all this to happen, the attention, provision and granting of services must be deconcentrated, that is, so that not all the formalities and services are granted in the same place, so that territorial distances are not an obstacle to obtaining the benefits.

Let us remember that in 1988 the CSJN had the opportunity to rule in the case: ‘Mac Kay Zernik Sergio Luis Carlos Sergio Luis Carlos s/ jubilación’ in which it ruled that: ‘To decide against the interests of the passive class when the lack of collection of their credits is due to the negligent conduct of the administration, would lead to the disregard of the constitutional rule that imposes to grant and ensure ’the benefits of social security, with integral and unrenounceable lack of

p) Progressivity

Article 9 of the Ibero-American Code of Social Security establishes that: ‘The right to social security must be extended progressively to the entire population, without discrimination for personal or social reasons’.

The Supreme Court of Justice of the Nation, in the case ‘Sánchez María del Carmen c/ ANSES s/ reajustes varios’, 17/5/2005, has reiterated that ‘the right to social security must be extended progressively to the entire population, without discrimination for personal or social reasons’. 17/5/2005, has clearly reiterated the scope of the aforementioned principle: ‘That international treaties promote the progressive development of human rights and their clauses cannot be understood as a modification or restriction of any right established by the first part of the National Constitution (art. 75 inc.22) and it is not for judges to substitute this assessment by regressive reasoning which, in practice, only leads to denying the effective enjoyment of these rights at the moments in life when their protection is most necessary’.

‘In the Argentine constitutional order, the provisions in the matter under examination are strengthened by the provisions of art. 75 inc. 23 of the National Constitution, which establishes the principle of non-regression in the area of fundamental rights ("Benedetti Estela Sara Estela v. PEN Ley 25.561 - Decrs. 1570/01 and 214/02 s/ amparo‘ of 16/9/2008), since the reforming constituent of 1994 has introduced positive actions with the aim of guaranteeing real equality of opportunities and treatment and the full enjoyment and exercise of the rights recognised by this Constitution and by international treaties and, with regard to the issue under debate, in particular with regard to the elderly’.

On the basis of the protective purpose of the provisions regulating social security, the possibility of applying the new legislation on the matter to cases governed by previous regimes has been admitted by the Supreme Court of Justice of the Nation, since the application of the most favourable norm is the exegesis that is in accordance with the legislator's purpose of promoting the progressiveness of social rights, as has later been precepted in article 75, paragraph 23, of the Constitution. 75, inc. 23, of the National Constitution and in various human rights treaties recognised with constitutional hierarchy in the provisions of inc. 22 of the aforementioned article. In this way, the Court has said (Arcuri Rojas, Elsa c/ANSES): ‘That it is the recognition of the principle of progressivity in the full satisfaction of these rights that has definitively banished interpretations that lead to regressive results in the matter (arts. 26 and 29 of the American Convention on Human Rights and recital 101 of Dr. Maqueda's vote in Judgments: 328:1602).

‘That the effort made by the legislator to comply with the obligation established in art. 11 of the Additional Protocol to the American Convention on Human Rights (‘Protocol

of San Salvador'), which requires States parties to adopt all necessary measures to the maximum of their available resources to achieve progressively the full realization of social rights, if, by way of interpretation, those who find themselves in a situation of total helplessness due to the application of previous laws that established a lesser degree of protection were to be removed from this evolution, especially when it is demonstrated that the deceased and, therefore, his widow, meet the necessary requirements for the recognition of the rights claimed, as provided for in the current regulatory scheme'.

q) Social Justice

We have placed Social Justice in the last place in this list of principles, which does not signify a valuative consideration, but because no author has expressly considered it as a founding principle of our discipline. Except, perhaps, the following mention by Carlos Etala, (quoting Ricardo Guibourg; Fenómeno Normativo), that 'No idea has had so much influence on the evolution of labour laws as that of social justice, to such an extent that all labour law, and even social security law, can be considered as normative orders inspired by that ideal'. The Mexican master, Mario de la Cueva, elevates it to the basis of all law when he states that 'the general principles of law represent, in reality, social justice'.

Etala goes on to say that it is important to remember that social justice was invoked in the preamble to Part XIII of the Treaty of Versailles, which states that 'The purpose of the League of Nations is to establish universal peace, and that this peace can only be founded upon social justice'; an expression that is reiterated in the Declaration of Philadelphia of 1944.

It is worth remembering that, in our country, after having played a central role in the scaffolding of the 1949 Constitution, it has been taken up again by the 1994 reform, which in its article 75, paragraph 19, states: 'To provide for human development, economic progress with social justice'.

As Alain Supiot has recently recalled, it was in the 'Declaration of Philadelphia' of 1944, which constitutes 'the first international declaration of rights with a universal vocation', that it was stated that 'the economy and the financial world are means at the service of man'. In this book, Supiot aims to show that the spirit of this declaration 'remains relevant for all those who have not renounced the ideal of a world in which "all human beings... have the right to pursue their material well-being and spiritual development in conditions of freedom and dignity, of economic security and equal opportunity"'.