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**Recalculating Merits: An Approach to the Social Importance
of Family and Religion**

Abstract

We propose a complement to Michael Sandel's recent critical observation on the merit system in place in American society. Our idea is that what this author calls "tyranny of merit" can be dimensioned by two ways. 1) by a proper understanding of the formulation of human rights, which indicate to us the value we have for what we are, independently of what we do and; 2) by a recovery of the model of belonging to small communities of family or religious type, where the natural desire to be recognized and appreciated is satisfied within them, removing the ever-increasing need for public appreciation. In order to distinguish between a demand for recognition directed towards political authority (human rights) and one that is demanded from the public sphere (merit system), we address Sandel's theory. Secondly, we indicate the perspectives under which it would be desirable to understand human rights. Finally, we propose a way worthy of the human person to value his or her merit in society. In the conclusions we suggest some reasons for affirming that if one values that which has no merit, one falls into a society where the sense of right is lost.

1. The Tyranny of Merit as a Manifestation of a Complex Problem

In his recent publication on the tyranny of merit, Michael Sandel shows us that the way in which American society develops gives too much importance to merit. The problem with this attitude is that those who know they are deserving of their position in society end up valuing less - or even despising - others, and a division is created between those who deserve and those who are undeserving. Sandel states that this idea is not limited to economic success, but extends to admissions to the most prestigious universities, access to the best health care system, to places of residence,

which are increasingly exclusive, etc. This author knows that there are mechanisms put in place by the state to distinguish access to education, health or politics from the power that comes with wealth. Nevertheless, Sandel recognizes that for instance,

“measures of merit are hard to disentangle from economic advantage. Standardized tests such as the SAT purport to measure merit on its own, so that students from modest backgrounds can demonstrate intellectual promise. In practice, however, SAT scores closely track family income. The richer a student’s family, the higher the score he or she is likely to receive” (Sandel 2020, 16).

In his opinion, this social order prevents living under a healthy humility, at least for those who occupy the highest social positions in the community, and is therefore harmful to the civil cohesion of nations. This author reminds us that the merit system,

“is a heavy burden for young people to bear. It is also corrosive of civic sensibilities. For the more we think of ourselves as self-made and self-sufficient, the harder it is to learn gratitude and humility. And without these sentiments, it is hard to care for the common good” (Sandel 2020, 19).

Some of his arguments concerning the idea of merit in general may be questionable. This happens, for example, when he suggests that the faithful of the Catholic Church understand that participation in liturgical ceremonies *necessarily* makes them worthy of divine grace or eternal salvation (Sandel 2020, ch. 2). The same could be thought of when this author raises the possibility of access to universities through a lottery system, which prevents those who are admitted from considering that their admission to the university is the fruit of their own effort. The system of fortuitous assignment would give them an awareness of having good luck and therefore of having received free of charge a privileged situation, such as that of being part of the best academic centers in the country. The problem with this last idea is that for-

tuitous membership of an elite can in any case generate the idea of elitism and prerogative, regardless of the access door we have found for it.

Nevertheless, Sandel's essential observation seems to us to be very important. Human beings do not develop in society in isolation, not even when their natural talents or personal effort are remarkable. As this author states, when this reality is not sufficiently taken into account, it is easy to think that those who have not achieved success—or are excluded from important groups in society—is because they have a moral deficiency or because they do not manage to make sufficient effort. Sandel tells us that success is not always the consequence of our personal effort, just as social failure is not always the result of wrong personal decisions.

“The more we view ourselves as self-made and self-sufficient, the less likely we are to care for the fate of those less fortunate than ourselves. If my success is my own doing, their failure must be their fault. This logic makes meritocracy corrosive of commonality” (Sandel 2022, 59).

This author tells us that there is a narrative of social failure: if we think that this condition is the responsibility of the protagonists, it does not involve us. If, on the other hand, we consider that there are those who fail through no fault of their own, we are faced with someone who has suffered an accident and we are moved by compassion to help them. Sandel insists that we live in a society with shared responsibilities and recalls, for example, that a great basketball player receives thousands of dollars in salary because the society in which he lives recognizes his sporting talents, which would not be the case if that same player had been born in another region of the planet or simply surrounded by people who have little interest in sports (Sandel 2020, 118). In other words, what the Harvard professor reminds us is that *merit is a human talent embraced by a community context*.

According to this author, it is possible to observe that much more importance is given to individual merit and its exercise in society, and much less to the environment

where that merit is recognized. Furthermore, Sandel is possibly right that the so-called "democratic" society is much more aristocratic than we might imagine:

“The wealthy and powerful have rigged the system to perpetuate their privilege; the professional classes have figured out how to pass their advantages on to their children, converting the meritocracy into a hereditary aristocracy; colleges that claim to select students on merit give an edge to the sons and daughters of the wealthy and the well-connected” (Sandel 2020, 115).

While it is easy to understand that our community rewards intelligence, physical beauty, professional performance, creativity, etc., it is more difficult to underline that most people do not have unusual characteristics, but nevertheless the context in which they live can allow them to live an accomplished life full of recognition. It is at this point that we think that Michael Sandel points out an important problem, which he describes with convincing arguments, but which could even go beyond the criticism of the meritocratic system. Our hypothesis is that the tyranny of merit is only the tip of the iceberg of a deeper and more complex problem.

What perhaps lies beneath is the loss of an adequate social context, capable of welcoming the merits —large or small— of individuals. When a person does not feel recognized, they will seek that status in their economic success, in their physical appearance, in the number of followers on some digital platform, and so on. On the contrary, knowing oneself to be a successful person can lead to emulating those who are equally recognized and despising those who are not. The solution is not to ignore that merit, nor to reward fortuitously —with public notoriety, with money, with opportunities of any kind— those who have no merit whatsoever.

In our opinion, the key point is not to avoid the search for *recognition* —which is a natural human tendency— but to understand it properly: it is a voluntary act by which others remind us of what we are, what we do or what we can do. In this sense, to know a person is to love him or her, and to recognize him or her is to know that he

or she is loved. Thus, for example, a son is recognized by his father when he affirms: "this is my son" and recognizes his being, or when he praises his actions: "excellent work", recognizing his deed. He could also recognize him when he reaffirms his talent: "I am sure he will do well", recognizing his potential, not yet perfected.

For centuries, human beings learned who they are, what they are good at doing and what they can do within a close interpersonal environment. In this family or small community group they learned their profession and maintained the memory of their ancestors. The recognition of the past life assured the living that their time on this earth had a course in eternity. It then seemed difficult to ignore one's own identity. In the West, the religious consciousness of Christians led them to consider that they could achieve an interpersonal relationship with the Creator, who is also Father and therefore always recognizes the being, acting and capacity of men. The social division observed by Sandel arises from a lack of compassion and contact between individuals in the community, a problem Pope Francis has repeatedly spoken of (2022, n.68). This lack of compassion, collaboration and contact between the different groups that make up society, as Scruton observes, are part of the social role of religion in society: "Religion has a twofold social function: to establish the motives on which a community depends; and to teach the art of feeling" (Scruton 2006, 41).

Charles Taylor has spoken attentively about the loss of the religious sense that leads to ignoring personal goods as gifts from the Creator. This author observes that religion finds citizenship in the public sphere in the public sphere only "by avoiding becoming a threat to current social order or by launching a challenge against it" (Taylor 2011, 307).

The belief of the people seems to become an uncomfortable factor that should not raise its voice or, if it does, it should be limited to a useful call for social development where it is established. This way of limiting religion to what is politically correct or useful causes it to lose its capacity to inspire individuals to a meaningful life. We know that not all citizens belong to any organized religion and therefore the way

of life proposed by faith may not be recognized by the majority of citizens. However, for those who belong to a religious group, personal action acquires value before their community of faith or before the Creator himself, so that the citizen who is at the same time a believer, usually does not demand social recognition beyond his own environment. In his faith, the person is accompanied and satisfied, valued as an intelligent and free being. Taylor is not unaware that this life full of religious meaning appears to many modern spectators to be somewhat naive. This author rejects this accusation since it goes against teachings that have been established over the centuries and that should not be so easy to ignore. With a certain irony he states that “we, after thousands of years of divine revelation, came in the last few centuries to tell God that his communication with us has become naive. This naiveté can appear not only among believers but also among non-believers” (Taylor 2007, 21).

Roger Scruton also observes that the moral life proposed by the great religions has been commodified, offered to consumers as an option to achieve a personal good, which puts religion itself at risk. In his opinion, the main culprits are not those who observe religion with a certain attitude of distance, but the problem lies with the believers themselves: “The day-to-day services of the Christian churches are embarrassing reminders of the fact that religion is losing its sublime godwardness, and turning instead towards the world of mass production” (Scruton 2006, 83).

The loss of the religious sense in modern society is a vast problem that for reasons of space we cannot address here in all its complexity. Suffice it to simply point out that the quest for recognition of one's own merits in the public sphere increases as religious consciousness is lost. Scruton further observes that this forgetfulness of God erodes the drive to improve our human community: “Something new seems to be at work in the contemporary world—a process that is eating away the heart of social life, not merely by putting salesmanship in place of moral virtue, but by putting everything—virtue included—on sale” (Scruton 2006, 53).

In this way, the moral convictions of religion are replaced by a personal adaptation to commonly accepted social norms. This process diminishes personal responsibility for self-configuration, since the important thing is to adapt to the plan provided or to the extent possible, without thinking about who has established that model or why they have done so. As Sandel observes, a society that allows paying for merit is a society that deprives its members of the effort needed to be better and ends up separating different groups: those who have wealth will always have more merit and those who have none will always have less. On the contrary, a society that encourages work and responsibility for self-government is a society that leads to greater civil cohesion, since it does not reward results, but rather co-operation, co-operation and effort for the common good.

Let us now return to the second major problem indicated by the authors, which is the dissolution of the nuclear family. The dissolution of an interpersonal environment where each individual is unique in dignity and meaning, is one of the major social problems of our time, which has kept the thoughts of numerous authors, including the Chief Rabbi of London, Lord Jonathan Sacks, on tenterhooks.

For him, “the discovery that we are persons with significance and dignity was far from obvious. It was a relatively late achievement in human civilization and the most important, for it contained the seeds of much else: the sanctity of life, respect for persons, the free society and recognition of human rights” (Sacks 2000a, 70).

What we can add to the reflections of these authors is a reasonable sense of urgency, since *having lost the family as the environment where we are recognized, we demand our own acceptance in other environments, such as public opinion, social clubs, the press, etc.* Moreover, since society understands that values are relative, we limit ourselves to underlining more and more elementary merits: academic success, intelligence, money, physical beauty, etc. The result is that each individual puts himself at the mercy of an increasing number of judges who impose on him the need to

reach standards that he may never be able to achieve. This creates a divide between those who know they are above the social norm and those who do not, and will not, make the grade.

Sandel asks us not to take the talents we have received as merits we have earned, placing us at the center of all social appreciation, because we may fall into arrogance, dividing our community. The request is valid, but perhaps the way to achieve it should lead us to recover family-type environments or to consider once again the importance of knowing that we have been created by a God who is close to us and who gives value to our work, *independently* of the economic success or public appreciation we may achieve. Without such family, community or religious reference points, we cannot be surprised that individuals increasingly demand recognition of their own merits from the public sphere and of their own rights from political society. This is a constant concern in Rabbi Sacks' thought, which he summarizes in this way:

“A world without shared meanings is one in which it is easy to feel lost. Anomie, it seems to me, aptly describes the state we inhabit today: a world of relativism, non-judgmentalism, subjectivity, autonomy, individual rights, and self-esteem. The gains of this long process have been many, but the loss, too, has been profound. The revolutionary shift from “We” to “I” means that everything that once consecrated the moral bonds binding us to one another like faith, creed, culture, custom, and convention no longer does so. The energy now localized in the “I” has been diverted from family, congregation, and community, all of which have now grown weak, leaving us vulnerable and alone. An individualistic universe may be free but it is fraught with loneliness, isolation, vulnerability, and nihilism, a prevailing sense of the ultimate meaninglessness of life” (Sacks 2000b, 85).

2. A change of meaning in the definition of human rights

Since the solemn declaration of 1948, human rights are the legal expression of what a human being is in a community constituted in a natural way (such as the tribe or the family) and in a conventional way (such as the nation or State). This expression was necessary after the atrocities of the Second World War, where the value of the human had been lost. These fundamental rights highlight a need for human recognition before the international political society (Heidt 2017, 15). However, these are legal formulations that have lost their momentum as instruments of public appreciation, giving way to a greater culture of merit. Increased human interaction and the globalization of ideas has multiplied social norms (merit), giving these legal norms (rights) a flavor of insufficiency.

Throughout this section we will see that 1) some authors would like to redefine human rights by going back to what the human being is also as a person capable of entering into a dialogue with the Creator and 2) others indicate that these rights, beyond a simple juridical expression, should be a true path to social order. At the basis of both proposals is 3) the awareness that human rights have changed their meaning, since they are not simply a defense of the human person, but can be used as an affirmation of what the human person can or wants to be. These three ideas will be discussed below.

2.1. Could human rights be more and better?

We have already dealt with Michael Sandel's critique of the meritocracy of civil society, now let us focus on the recognition of our rights by political authority. The underlying idea of the authors we present is that it is possible to reconstruct the legal with the moral, if we had a clear idea of what human morality is.

Mary Ann Glendon realized long ago that human rights had gradually multiplied. Whereas at the time of the definition of fundamental rights in the mid-twentieth century, the aim was to indicate a series of principles that would oblige the political

authorities to respect their citizens, rights were now becoming a demand of the population towards the constituted authority. The origin of these rights had been reversed.

“Our rights talk, in its absoluteness, promotes unrealistic expectations, heightens social conflict, and inhibits dialogue that might lead toward consensus, accommodation, or at least the discovery of common ground. In its silence concerning responsibilities, it seems to condone acceptance of the benefits of living in a democratic social welfare state, without accepting the corresponding personal and civic obligations. In its relentless individualism, it fosters a climate that is inhospitable to society’s losers, and that systematically disadvantages caretakers and dependents, young and old. In its neglect of civil society, it undermines the principal seedbeds of civic and personal virtue. In its insularity, it shuts out potentially important aids to the process of self-correcting learning. All of these traits promote mere assertion over reason-giving” (Glendon 1991, 14).

She wonders whether it would not be more humane to focus on what it is reasonable for the individual to do (moral norm) rather than on what the individual has the right to do (legal norm). As classical ethics teaches, “a thing is not good because it is sought; rather, it is sought because it is good” (Fagothey 1963, 78).

For Glendon, a society full of people who have the right to do as they please does not seem to be a society oriented to the pursuit of the common good. It is for this reason that no one can count on absolute human rights in the strict sense, but that the inalienable human rights of life, liberty and property are subordinate to life in community, when it is organized in a reasonable way. “Absoluteness is an illusion, and hardly a harmless one. When we assert our rights to life, liberty, and property, we are expressing the reasonable hope that such things can be made more secure by law and politics” (Glendon 1991, 45).

The change is important, since human rights protect what we are, not what we want to be or what we do. However, by granting rights to smokers and non-smokers alike, by recognizing as a human right the possibility of choosing something that is not inscribed in the biological data of our corporeality, then rights extend beyond what we are. This author relates that in 1972 the Supreme Court of the United States accepted the decision of the Massachusetts state court that prohibited the sale of contraceptives to unmarried people, shifting towards an obligation to sell these products to all individuals who wanted them regardless of whether they were single or not, because the right to have or not to have offspring depended on the individual and not on the family. The nature of the act was considered a personal decision, not a family one. This signified a major shift in the public understanding of the right from seeing it as a protection of the common good of the family to an assertion of one's personal will to do what one wishes. Glendon observes that it was “a shift from privacy as “freedom from surveillance or disclosure of intimate affairs,” to privacy as “the freedom to engage in certain activities” and “to make certain sorts of choices without governmental interference” (Glendon 1991, 57).

For Glendon, we are faced with a double movement that separates human rights from the common good and the family good. On the one hand, human rights lose their character of guardianship of the human being by becoming a requirement of particular desires. On the other hand, the subject who holds these rights understands himself as an individual separated from his community of reference.

This author passionately describes the risks involved in such a serene affirmation as that we cannot confuse the moral with the legal. Certainly there is legislation for living well, but human beings must conduct themselves in accordance with what is moral (that which is dictated by right reason). Among the examples she offers is that of an Olympic athlete who sees a girl drowning in a swimming pool and, since the law does not oblige him to come to her aid, he does not do so. She also offers the example of those who rent canoes and see an inebriated customer drown in their canoe (Glendon 1991, 81). Glendon's point seems to be correct: *it is not possible to*

think that legislation is configured in the most neutral way possible, because there are situations that respect the law but seriously harm humanity. The problem, as always, lies in defining what is human. This author already indicated years ago that it was necessary to redefine the concept of law in terms of protecting and promoting relations between people, rather than as individual powers to act.

Throughout her study, this author points out that we have focused too much on the individual and too little on the community to which he or she belongs. On this point she agrees with Sandel: not only in criticizing the impossibility of the moral neutrality of the State (Sandel 1982, 90), but also in affirming that both merits and rights are fixed in the person and not in the context in which we are recognized. This is basically a criticism of John Rawls, who claimed to construct society with what is right and not with what is good, ignoring the fact that a State that "neutrally" avoids all human values, in reality adopts a very definite moral position that is not neutral at all. "This is the claim that the "right" (the framework of duties and rights that governs society as a whole) is prior to the "good" (the various conceptions of virtue and the good life that people pursue within the framework)" (Sandel 2020, 135).

Rhonheimer (1997, 97-102) has also giving opinions on the non-neutrality of the State. The point of these authors is that by fixing more and more personal rights, without taking into account the reference group, the nature of human rights is modified, which —stripped of an objective good— are fixed by the majority or by those who have the legal possibility of defining them.

That personal good protected by human rights, such as education, religious freedom, medical care, participation in the political life of peoples, etc., is a good that was rooted in the understanding of a common human nature. If, for example, we consider that each person needs freedom of movement to develop, education to exercise a profession, decent food, etc., we can affirm the corresponding human rights. If we think that human beings could live in isolation, we would deny them the freedom of

association, but instead may we know that we all need a community where we are helped so that our mistakes are not definitive.

2.2. The fundamental rights of created beings

In the previous section we saw that some authors suggest reconstructing some fundamental legal norms with a moral reflection, but now we will deal with those who wish to use right reason to reconstruct social norms.

This is the case of Catholic Social Teaching. At the time when human rights were recognized and appreciated by the Church's authority as "universal, inviolable, inalienable" in Pope John XXIII's encyclical letter *Pacem in Terris* (1963, n. 5), some theologians observed that this recognition was appropriate only if the objective good of the human being is respected. In this regard Walter Kasper asked whether we should base human rights on natural law (bottom-up movement) or on divine revelation (with a top-down idea). His conclusion is that the two positions are not contradictory since faith does not destroy nature, so that:

“The Gospel, in this view, is a source of light and strength for action and involvement in the world. The freedom granted to us by Jesus Christ in the Holy Spirit helps us to interpret the sense of the order of creation disrupted by sin; at the same time it motivates and inspires us to devote all our strength to its realization. In this sense, commitment to human dignity and to human rights forms an essential part of witness to the Gospel” (Kasper 1990, 161).

Far from claiming a legal application of the Gospel, as if Christians could demand a revealed right from political society (Benedict XVI 2011), what Kasper seems to recall is that the recognition of our work by God does not lead us to work less or worse, but that precisely this conviction of working in the face of the Creator impels us to become involved in social development, with more freedom, only without an eagerness to see our rights recognized.

The observation of this theologian seems important, since it is not difficult to consider that those who most demand respect for their rights are those who find no other recognition than that of political authority. On the other hand, those who participate in society and are appreciated by a community of belonging, whether family or religious, find it less urgent to be recognized by the State. Specifically, Christians know who they are and understand the value of their life, regardless of whether an authority gives relevance to their life and being, at least this has been demonstrated by martyrs throughout history. The Catholic faith allows its faithful to reach a clear idea of the human being and his end, so that human rights are simply legal instruments to reach that end. Hence, this universal declaration does not have a defining character of the human being, but the rights are simply considered as an aid to reach our end in society.

Considering also the recognition of human rights by *Pacem in Terris* in the second half of the twentieth century, Jacques Maritain suggested that the Christian faith made it possible to align the universal declaration with the human purpose taught by Christianity. This operation would make it possible to reach that human development that we all seek in a natural and simple way. Maritain is aware that many do not know the faith of the Church or do not have the moral strength to live the Gospel, so that it would be enough for them to follow the indications of human rights—in case they have been ordered towards the human end given by the Creator—to reach a full personal development. In this case, human rights, previously ordained according to nature, could be taken as the norm for social action. As Maritain himself puts it, the new Christendom will be “a temporal system or age of civilization whose animating form will be Christian and which will correspond to the historical climate of the epoch on whose threshold we are.” (Maritain 1938, 126)

This philosopher does not distance himself from the understanding of human reason as a moral standard for our development, he simply realizes that many do not reach a conviction of what a good life is due to lack of time or the intellectual effort

necessary to forge it. Human rights, by their juridical efficacy, can make up for this lack and protect citizens in their path of improvement within society. It is not surprising that for Maritain it was not possible to distance human rights from the truth of man contained in the biblical revelation, since the Creator of all is also the one who has indicated the end and perfection of all that exists. Hence he reminds us that if human rights were to move away from this truth, then they would become a legal system irrelevant to human development.

Maritain does not wish to replace the civil code of a nation with the Bible, but to emphasize that at the center of social development is the created person and not the laws of the state, since human life far exceeds our civil relationships, also those protected by human rights (Heidt 2017, 16). In his study on the rights of man and natural law he tells us, for example, that just as a runner is so only by virtue of his physical strength and not by virtue of all that he is as a person, so a citizen is part of the state but only insofar as he has obligations to the state and not by virtue of all that he is as a person.

“A good runner is in his entirety a runner, but not by reason of all the functions nor of all the aims of his being; he is in his entirety a runner, but by reason of the neuro-muscular machinery which is within him, not by reason of his knowledge of the Bible, for instance, or of astronomy. The entire human person is a part of political society, but not by virtue of all that is in it nor of all that pertains to it.” (Maritain 1945, 12).

This way of reasoning ensures the obligation of the individual to the political community, preventing politics from deciding on areas that belong to human beings for other reasons: their family traditions, their faith, the development of their artistic and cultural talents, etc.

To demand from the political society the recognition of all that the person is, or all that he wishes to be, is to take this recognition to an unattainable extreme. In fact,

what each person is can only be recognized by his Creator and *the awareness of that recognition demands a restricted, communitarian environment*. Nevertheless, once the destiny towards which God directs the human being is recognized, then it is his right to have the necessary instruments to reach it. In Maritain's opinion, this is ultimately the importance of human rights: they protect the means that allow us to self-realize.

“There are things which are owed to man because of the very fact that he is man. The notion of right and the notion of moral obligation are correlative. They are both founded on the freedom proper to spiritual agents. If man is morally bound to the things which are necessary to the fulfillment of his destiny, obviously, then, he has the right to fulfill his destiny; and if he has the right to fulfill his destiny he has the right to the things necessary for this purpose” (Maritain 1945, 37).

The discussion on human rights has perhaps lost momentum or interest for two reasons. On the one hand, possibly because they are perceived as legal instruments that are less and less close to the human nature they seek to protect. On the other, because the growth of the welfare state has led to greater distrust in the bureaucratic apparatus, so that the longed-for social recognition has been placed in the hands of social or opinion groups that do not belong to the legal or political sphere. In any case, this loss of attraction of human rights has led to an increase in personal recognition in the public sphere, demanding our merits and increasingly using modern communication tools to achieve it. This increase in public merit will be discussed below.

3. The recognition of the individual in the public sphere

Roger Scruton recognizes how individuals, especially if they have lost their own environment of reference, seek recognition of their merits in the public sphere. This is an attitude that is on the rise thanks also to new communication technologies.

“The need to belong, to be part of a group, to be inside and protected —this need is as strong as it ever was, for it is a need of the species. The vastness and mobility of modern societies have effectively destroyed the possibility of a common culture, while a process of organized forgetting is corroding high culture too” (Scruton 2006, 107).

This results in a society where there is more and more information about our lives and where others are required to provide more and more data about what they do or do not do. Many authors take a critical look at this mechanism in modern communication systems.

Shoshana Zuboff, for example, suggests that the accumulation of information about our lives gives a lot of power to the owners of the means of production, denouncing the existence of a social surveillance capitalism. “I consider surveillance capitalism’s operations as a challenge to the elementary right to the future tense, which accounts for the individual’s ability to imagine, intend, promise, and construct a future” (Zuboff 2019, 25).

She fears that when the government's ability to regulate is removed, then it will be the super firms that will establish a generalized social order. And this is being attempted by the companies that can most easily control the social movement, i.e. the big technology platforms. Jerry Page, founder of Google, seems to be moving in this direction when he states that it would be better to trust Google than democratic institutions.

“Page defended Google’s un precedent information power with an extraordinary statement suggesting that people should trust Google more than democratic institutions: “In general, having the data present in companies like Google is better than having it in the government with no due process to get

that data, because we obviously care about our reputation. I'm not sure the government cares about that as much (Waters 2014)". (Zuboff 2019, 63).

For his part, Adam Alter reminds us that modern social platforms are designed to give us notoriety, to keep us within a system where by system he understands "something you do on a regular basis that increases your odds of happiness in the long run" (2017, 117).

These platforms are therefore very attractive because they satisfy our desire to be appreciated by others. This brings as a consequence a dependence on that public recognition that leads us to be more and more connected, going from about 18 minutes a day to 2.48 hours each day on the internet (Alter 2017, 28) and searching for information about 39 times each day (Alter 2017, 17). Sacks does not spare critical remarks in the face of this situation:

"The new technologies, by uniting people globally, divide people locally. They strengthen non-national affiliations. They can make people feel more Hindu or Muslim or Jewish than British, They turn ethnic minorities into 'diasporas', people whose home and heart is elsewhere. They amplify fear and erode trust. They simplify issues and weaken the politics of nuance and compromise" (Sacks 2009, 72).

Without detracting in any way from their value as a tool for human relationships, we think it is clear that these systems rely on the natural human need for recognition. The multiplication of information about what we do and the desire to know what others do is a current manifestation of the desire to be appreciated.

What we could add to these observations, without sharing the critical view of these modern instruments of social communication, is that the fuel that feeds these mechanisms is the natural desire to be appreciated that we have as human beings. It is worth repeating that when a person has a close environment with family, tribal or community relationships, this desire for recognition is more immediately satisfied.

On the contrary, when the individual is isolated or deprived of an interpersonal environment then he or she needs the mediation of others to achieve that recognition. Modern social communication systems are so successful because they effectively provide such social mediation. These platforms are instruments of human encounter between the individual and society at large.

This dynamic can present some good and novel perspectives, leading us to a better understanding of ethnic or religious minorities and to knowledge of other cultures. At the same time, it carries the risk of focusing only on the positive aspects of our lives, which we publicize to others, hiding or ignoring the less good points that we should confront in order to change them for the better. This way of presenting ourselves to others, avoiding problems or defects, and highlighting talents or successes is what is often called “culture of honor and glory”, which seems to predominate in our society.

4. Final Remarks

At this point we could think of human rights as part of the legal system, while merits are simply conventional norms. Legislation usually arises from social norms that are accepted by a human grouping. Once the public authority verifies that a social norm is convenient for the development of the community, it can set it as a law.

The difference between norm and law is that the norm indicates the measure of right action, while the law obliges us to act in that way. Knowing that the measure of a barrier must be one meter does not oblige us to build it one meter high. As far as acting in general is concerned, right reason indicates the moral norm, the law obliges us to act in accordance with it (Fagothey 1963, 122). The production of legal norms seems necessary in the event that a nation, for example, increases its population by welcoming immigrants. People born elsewhere on the planet might have different social norms from those that have given rise to the law of the country that welcomes

them. This makes it necessary for legislation to guide the immigrant population to preserve the way of life that has been in place for generations and is considered the best possible for that particular nation.

We do not have the space to multiply the examples, but we think that the desirability of setting these conventional standards with the help of legislation comes into play when national identity is at stake. If, as we have said, this can happen when there is a great mobility of people, who go to other countries generally for economic reasons, *this can also be verified with the mobility of ideas, the fruit of modern techniques of social communication.*

The citizens of a nation may accept as an existential model what is proposed by people from different cultures and with very different ways of life. These new aspirations are not always negative and may in fact be more or less invasive of one's own culture and community. However, in some cases it is possible that the models being presented do not take into account—or even run counter to—the sense of belonging to a family or tribe, the religious sense of many peoples or cultural traditions, which are not simply explained by economic or mathematical models. In the worst cases, the life models presented to the population may be ideological, so that young people may consider the best to be something that their parents and grandparents would consider immoral or unsuitable.

The merit that Professor Sandel talks about refers in large part to this mobility of ideas. We seek recognition of our merit from an ever-widening universe of people and acquaintances on the network. We suggested earlier that this dynamic increases to the extent that we lose an environment of reference, which leads us to seek recognition from other people who are ever more distant and less well known. We can also observe that the search for this merit has multiplied the proposal of social models, where individuals present their way of living as the best, with more or less reasons and with more or less explanation of the consequences of their actions. It seems possible to think that life choices do not have the same value and therefore not every-

thing has the same merit. We do not think that it is equally meritorious to enter the world of drugs or alcoholism as it is to work constantly for a good purpose. We do not claim that helping an elderly or sick person out of nobility or kindness is the same as doing it for money or to impress others.

Human rights should be considered as a concretization of what previous generations have indicated to us as meritorious. In this sense, human rights are those social merits that have been verified as good for the development of the community. As we said, not all personal merits are equally recognized in society and therefore not everything that our ancestors valued has become a right. At the same time, we could consider that human rights preserve our identity as human beings and prevent the mobility of ideas and the confusion produced by the abundance of contradictory information from leading us to consider as good those models of life that, at the end of the road, have less value. Considered in this way, *human rights are useful for recalculating merit in our communities.*

The right to life reminds us that we cannot mutilate people or propose through film, theater or photographs mutilation or torture as normal life situations. The right to mobility tells us that human trafficking or the mistreatment of those who embark on a dangerous path of immigration to another nation in search of better economic conditions cannot be good. The right to religious freedom suggests that we cannot destroy the religious culture of peoples, nor control it for political gain. The examples could be much more abundant, the point is the importance of human rights as conventional norms that were set by our ancestors at a tragic moment in human history.

This normative and historical character of human rights could be eroded if we lose sight of the fact that not everything can become a right, for the simple reason that there are social norms that are not commonly accepted by the community. If something is defined as a human right that is contrary to national identity or the common feeling of the population, this is perceived as an imposition. If, in addition, human rights are set by specific national groups, it is not difficult to understand that

their legal expression may not be recognized by other national groups who perceive them as an ideological imposition. In this sense, Sacks distinguished between human rights and citizens' habits of responsibility. He points out that

“the Bible is concerned with developing habits of responsibility rather than simply prescribing rights. States legislate human rights. Society creates responsibility. One cannot coexist with the other. A rights-based system must be accompanied by a culture of accountability” (Sacks 2009, 133).

In short, human rights (legal norms) are complementary to the culture of merit (social norms). When merit seems to overwhelm the attention of citizens, human rights, by virtue of their origin in right human reason (moral norm) could remind us of what man essentially is. When, on the other hand, human rights multiply to the point of imposing a conventional norm on natural human life, then the lesser groupings or intermediate communities must remember the importance of personal self-government and personal responsibility. These two social systems, one forged by human rights and the other manifested in the culture of merit, should in any case take into account the human person and the lesser groupings, the environments of family, religious or community character, where each individual finds the full and immediate appreciation he or she naturally needs.

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