

Alexandria 19 – 21 January 2008

WORKSHOP 4

SOCIAL MODERNIZATION

The **Social Modernization** theme poses a fundamental but question. It is neither more nor less than the transformation of societies in a progressive direction. Such a postulate immediately raises two major questions: **What transformation? What progress?**

The strongly underlined statement, which maintains that in all societies there exists no unequivocal comprehension of the necessary social transformations as there exists no single conception of 'progress'—a Western view inherited from the Enlightenment—, should not prevent reflection and action to emphasize the values shared by Mediterranean societies. Another fact that was stressed is that social transformation will only be possible if it comes through those concerned.

The Paris, Seville, and Alexandria meetings have all come to the conclusion that law is the principal instrument for social modernization. Law is the main organizer of social relations; it sets the framework for the action of power and, finally, constitutes an instrument for the protection of individuals through their respective rights. **Thus, judicial modernization appears to be the condition and means for social modernization.** Legal provisions, whatever their forms (constitution, law, jurisprudence, or custom), do not have any legitimacy unless they express the common values of the society they govern. In fact, numerous major judicial reform models, in all countries, were never applied for they have proved inadequate to the mode of life of the population. However, law has also the power to forge new regulations that, once applied, cause an improvement and gain social approval.

The **principal recommendations** of the Social Modernization Workshop are as follows:

- Formation of a structure—by whatever denomination (council, forum, assembly, etc)—for discussion and proposal-making, where people from different partnering countries can regularly meet. Different elements of "civil society" should be largely represented within this structure, not excluding national MPs and state representatives. For this to be achieved, existing practices and applications should be taken into account to avoid duplication of efforts.
- Creation of a network for exchange and dialogue among the supreme jurisdictions of respective states. This entails the replication of the Council of Europe Venice Commission, which proved effective, in all Euro-Mediterranean countries. Such rapprochements should enhance mutual knowledge of the legal systems on both sides of the Mediterranean. It should also include training of magistrates through training courses and exchange, with a view to enhance knowledge of judiciary practices.
- Development of a network of depository libraries of supreme legislations, to render judicial references available in different languages.

Throughout the discussions, the Workshop has stressed the particular importance of certain fundamental rights, such as judicial equality between men and women, and the promotion of social rights and collective freedom of expression, as factors for social modernization. Since the promotion of those rights is a long-term job, it is important to start by creating the conditions for a constructive dialogue among modernization stakeholders, and that is the goal of the previous proposals.