

## SOCIAL JUSTICE

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'Social Justice' is a concept having multi-disciplinary perspectives. It is a political concept as it deals with the nature and structure of a state, it is an economic concept as it is concerned with equal distribution of goods and services within a society and again it is an ethical concept as it is grounded on ethical framework. The concept is also associated with the ideals of welfare state and its socialistic contents. "But the society does not consist merely of the law of the state; it has also a more informal aspect comprised of its cultural institutions, conventions, moral rules and moral sanctions. In order for a society to be fully just it must be just in its informal as well as formal aspect."<sup>1</sup>

Against the backdrop of different perspectives it would be convenient to examine the concept of 'social justice' in the dimensions as follows :-

- i) Forms of Social Justice
- ii) Orientations of Social Justice
- iii) Content of Social Justice
- iv) Basic perspectives of Social Justice

### ***Forms of Social Justice***

The very concept of society is based on two principles viz. the principle of social liberty (where forced labour is not necessary) and the governing principle of social justice (applied to the system of forced co-operation). However, justice as fairness presupposes the following moral facts :-

- (a) The individuals constituting the just social order are moral persons.
- (b) The just social order is basically a moral order enjoying upon the

participants to respect each other's freedom and equality in respect of all, the basic or primary goods of the society.

Rawls elucidated the general conception of justice in the following principle :

All social values-liberty and opportunity, income and wealth and the base of self-respect are to be distributed equally unless an unequal distribution of any or all of these values is to everyone's advantage.<sup>2</sup>

The said principle as well as the other principles of justice which are special cases of it decide the broad framework of social justice. It confers rights and assigns responsibilities to its individual members. In an initial position, if and when equality is the fundamental condition for the association of individuals, free and rational persons accept these principles to further their own interests. If these principles are reflected in any social or political arrangement of a society it can be termed as just. Against the backdrop of above mentioned principles of justice cruelty to blacks and jews are found to be unjust. In the Indian context social segregation and compelled poverty of the minorities and weaker section of society can also be termed unjust.

Now, let us come to the concept of 'society' itself. 'Society' has been viewed in three different perspectives :

- (a) *The Individualistic Perspective* of thinkers such as J.S.Mill holds that individual is the only reality. Apart from the individual society has no relevance because society depends upon the individual, upon what type of constituents it has. In this Western individualistic tradition everyman is a self-seeking atom who may or may not have altruist tendencies as well. All relations between individuals are seen as either hierarchical or contractual. The individual self is identified as totally separate and distinct from others and not as a phenomenal centre that defines itself in relation to others. As a result we have either self or others. That is to say, the individual self is not seen as a relational self whose identity is a product of interaction with others. It is the collective agreement of the morally conscious individuals which led to the existence of a moral community. The community has as much moral and rational capacity as the individuals themselves. Besides the primacy of the rights and the liberties cannot be denied as to sacrifice the supremacy of the individual is to bargain for

the tyranny of the collectivity. The collective reason in the sense of Hegelian<sup>3</sup> universal reason is a myth as it tends to divinise the collective will and mentality to determine and delimit the sphere of individual freedom. Thus the primacy of the individuals be accepted as a moral datum.

- (b) *The Wholistic perspective* of thinkers such as Marx, Hegel and M. N. Roy maintains that society is the only reality, individual is real as long as he is part of that whole. Apart from society individual has no importance.

Society preceded the individual in the sense that without the community the individual is a mere abstraction. The community makes the individual rather than the other way round.

The essential point seems to be that a human personality is never an isolated phenomenon .... The whole of a man's moral life, all its purposes, all its meaning and value receive their tone and colour from the ideals the institutions, the moral habits, among which his life develops. This being so, it is important, in dealing with the moral life not merely to consider the life of an individual man, but to have regard to the unity within which the main part of his life falls.<sup>4</sup>

- (c) *The Complementary perspective* has its advocates such as Aristotle, Russell and Gandhi. Individual and society both are equally important. Individual is important for the society because he is a constituent of society, but society is important for individual because the individual has been shaped and developed in the society. 'What type of being is he ? depends upon the society itself. So society decides the fate of the individual and vice-versa.

Society is not an artificial creation of a group of individuals. In fact we find ourselves already in a society and civilization just as we find a family into which we are born. Thus our selves are already as a matter of fact encumbered in many ways. Our loyalties, attachments and plain relations with other humans make it obligatory on us to seek moral and political life in the society itself. But this itself does not cancel the fact that the individual persons themselves matter so far as their basic liberties are concerned. The basic liberties have a moral primacy and so the principles of justice arise out of a moral necessity. Besides the civilization in which we are born does not create the moral necessity itself,

it only acknowledges the a priori character of the principles of justice.

However, we find that in the contemporary period this complementary perspective of society is of greater importance. The well-being of the society depends on the co-ordination and reconciliation between the Individual rights and the demands and needs of society. Thus social justice is defined as,

The balance between the individual's rights and social control ensuring the fulfillment of the Legitimate expectations of the individual under the existing laws and to assure him benefits there under and protection in case of any violation or encroachment on his rights, consistent with the unity of nation and needs of the society at grass-root level.<sup>5</sup>

### ***Orientations of Social Justice***

Indian society has for centuries been split and stratified on the basis of caste. People are born into a caste and sub-caste, many of which have traditionally suffered from various kinds of social discrimination and disabilities. The traditionally backward and deprived sections of society are so weak that they have not been able to take advantage of opportunities compared to educationally and socially stronger castes and classes. The social status of a person largely depended upon his caste.

After Independence the reservation problem has been in focus. Added to the said problem the problem of communalism has also been in the limelight. These dual problems put adverse impact on our social and national integrity. In particular the last one and a half decades the politicians have been using the twin problems as a centripital force to garner maximum votes. As a result our social fabric is being destroyed and tension, mistrust and hatred is prevailing between the communal and caste groups. Political parties thrive on a spirit of competition. The new buzzword was 'social justice', and social integration and unity became victims of neglect.

### ***Content of Social Justice***

The great historic struggles for social justice have centred around demands for equal rights : the struggle against slavery, political absolutism and economic

exploitation. All these are related to the three components of social structure i.e. the legal, political and economic system.

It will not be an exaggeration to state that social justice is of integrative nature. Any discussion in the area of social justice requires equal stress on all the three aspects of it viz. legal justice, political justice and economic justice. Legal justice is equality in the eyes of law. Every strata of people are subject to the same legal system. Judges, court and the punishment cell should be same for each and every members of society., Political system must not distinguish people on the basis of caste, creed and sex. Politically or economically stronger people must not be empowered to violate the legal system. Economic justice cannot be achieved in a day. Even in the capitalist countries there is a huge gap between the lower strata and the upper strata of people. The gap has been lessened in the socialist countries. Economic justice can be achieved only when this gap is bridged. It is true that people differ in mental and physical capabilities. Of course, there will be a gap. Social justice consists in paying to everyone not only according to his or her need but also according to his due. The misfortune of our country is that according to the constitution it is a socialist republic but in practice it is a capitalist in trend.

### ***Basic Perspectives of Social Justice***

We all yearn for a stable, prosperous and united social order based on equality rather than exploitation. Slogans, confrontations and demands for rights alone will not solve our social problems, they will make the situation even more complex, nor can social justice be achieved by politics. Justice is needed in various social settings and relationships such as child marriage, child labour, bride burning, victims of technological change etc. Are the laws framed in these regard providing justice to the victims ? And has the constitutional promise of universal education made this country's population literate ?

Power and Politics have only made our problems more complex. The western concept of one man one vote was adopted by Indian state, yet the leaders did not hesitate using communalism, regionalism and linguistic differences for selfish gains. As a result our attention has been diverted from the basic issues which alone can bring enduring solutions to all problems of deprived classes.

The most important among them is the growth model. The one that dominates our economy is not suitable for the uplift of the vast population. Consequently inequality and unemployment is inevitable. The political leadership should mount their assault on this inequitable system.

Reservation was originally conceived as a means of creating social equality. Certainly reservations are politically expedient to the extreme but social justice through reservations is merely a hallucination. The removal of poverty and uplift of the weaker sections of the population is the function of the entire socio-economic political system which has failed miserably compelling all the poor to scramble for a few jobs and scarce resources.

Our constitution provided reservations to the scheduled caste and scheduled tribes fifty years ago. But do we find any evidence of elevation in the life and status of Harijans and Adivasis in the rural area? Doesn't it prove the futility of reservation? The reason was a severe lack of strong political will. It has been a means of selfish misuse.

Reservations should have been accompanied by a multi-prolonged effort for all round development of these communities. This task should not have been left only to the government but shared by the society at large. In this effort voluntary agencies, particularly different caste group organisations could have been of great help. Limits on the benefits of reservation was also necessary. The tradition of justice could gain strength in the West because adequate number of persons were willing to work at administering justice for their fellow men and women.

Myth of social justice through reservations is based on a different concept of justice. This is a notion of caste balance in arbitrarily selected sectors of the economy. It has been argued that the social order as caste composition should reflect in any segment of public sector e.g. the medical, engineering or the Railway services. As a result meritocracy is being sacrificed at the alter of reservocracy.

These days politicians are giving a new dimension to reservation i.e. reservation for women in Lok Sabha and Rajya Sabha. Will the increase of women parliamentarians reduce the incidence of female foetus abortions? Can it reduce the number of female infanticide? Will it stop discrimination at home

between boys and girls ? Will it lessen demands for dowry, maltreatment to daughters-in-law, wife bashing, deaths in contrived accidents and neglect of widows ? The answer to every question is no. Then what is the use of this constitution amendment.

Against the backdrop of above discussions we conclude that merely occupying the seats of power and economic development cannot bring about equality and thereupon social justice especially in Indian context. Had the Gandhian model of development been accepted at the outset, the crisis that the country faces today would not have arisen. But that is now a thing of past which cannot be recalled. Adjustment will have to be made in the existing socio-political structure. "Let education come first. Let the state ensure that the benefits intended for the poor do reach them. Let them be involved in panchayati raj so that they have an effective say in local planning."<sup>6</sup>

We see that the issue of reservation is being focussed primarily with the individual's development and completely overlooking the well being of the society. The complementary perspective of society demands the well being of both the individuals and the society simultaneously. The advocates of reservation should bear in the mind: what good they are doing to the society through the present pattern of reservations. It is therefore necessary to step up access to education specially to the professional courses. If we really want to raise the weaker section of our society from their present lowly status to equality with other section we have to provide them free education upto the highest levels, subsidise their feeding, clothing and accomodation. There after let them fend for themselves and show that what the forwards can do the backwards can do better.

To sum up, the modern concept of social justice is complex. It includes a meritarian as well as an egalitarian element. It recognises the merits of persons as well as respect for personality as such.

Again social justice is a slow process. Human nature is dynamic and fixity is impossible in respect of the varied interests. But at the attitudinal level steps can be initiated towards refinement. Social justice is an ideal and as long as it remains ideal it would remian unrealized, Attainment of an ideal, therefore, lies in efforts to realize it. Such efforts must be based on equality, fraternity and freedom. It is through them that just society in which social justice may be visibly present can be attained through sincere efforts both from the government

and the people. Their close co-operation is the key of a just society, the core concern of which is social justice, to my mind.

### NOTES

1. W.K.Frankena, "The Concept of Social Justice", *Social Justice*, ed. Richard B.Brantt, Prentice Hall, Inc., p. 2.
2. John Rawls, "Theory of Justice" in *Reason and Responsibility*, p. 57 see reference.
3. C.Taylor, *Hegel*, Cambridge University Press, Cambridge, Part IV.
4. J.S.Mackenzie, *A Manual of Ethics*, p. 279-80.
5. Ravindra Sharma, *Administration of Justice*.
6. S.Sahay, "Another Poll Gimmick", *Hindustan Times*, Oct., 1990.