

THE CONCEPT OF SOCIAL JUSTICE IN THE ŚRUTIS AND DHARMAŚĀSTRAS

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I

The term 'justice' conveys various ideas if it is considered in Indian perspective. If we stand beside those persons that are oppressed and in distress, it is a kind of justice to them. This idea is also found in the preamble of Indian constitution where much emphasis is laid on the fact of doing justice to all by way of removing distintegrity and preserving individual dignity. It is possible if the oppressed or minority is given equal right for enjoying those that are by the majority and non-oppressed. Keeping perhaps this idea in view Socrates enjoyed and others have taken such a notion of justice and hence they have described such justice as a balance or harmony. Keeping the same view in mind Plato also suggests that 'the search of justice' means 'the search for good life.'¹

The term 'justice' in the sense mentioned above is accepted in various philosophical literatures in India. The phenomenon of justice to others presupposes the enlargement of heart or self of development of *Sadgun*□*as* existing in an individual. As justice can be done by social beings or can be shown to in a society. Hence, the term 'social justice', I think, is not appropriate. The term 'justice' alone (excluding the term 'social') can convey the desired meaning as a social being alone can do justice. Moreover, 'justice' is always a social phenomenon and hence there cannot be 'justice' which is social.

II

'Justice' in the above-mentioned sense is frequently found in different philosophical literature available in ancient India. The Advaita Vedānta and Upaniṣads say that Self or Brahman exists in all animate and inanimate objects ("Sarvam khalvidam Brahma"). The Īsopoanis□ad says that as the whole world is covered by Self or Brahman each and every individual being should be looked upon as the part of the Divine or Self. Hence, one would not have any tendency of exploiting others. Hence, he should not feel greedy towards others properties. (*Īśāvāsyamidam sarvam yatkiñca jagatyām jagat /Tena tyaktena bhujñīthā mā gr□dhah kasyasviddhanam*"²). The Upaniṣad gives us the message of an enjoyment which can be attained through renunciation (*Tyaktena bhujñīthā*). One should not enjoy one's life after confining oneself within, but it is permissible if the enjoyment is shared by others. This attitude develops if one feels the existence of self in all social beings. From this standpoint all are 'related' (*ātmīya*) to all. Hence there would not arise any question of conflict among social beings. Upaniṣad also teaches us to adopt what is good (*śreyah*), but not pleasant (*preya*). To exploit others, to be greedy, towards others properties etc. may seem to be pleasant for us but these, not being 'good' are not permissible by the Śāstras. An action may be good if it can serve the broader interest i.e. the welfare of him as well as other social beings. That which brings universal welfare is called 'good' in order to do justice to others. Those who adopt 'good' are associated with welfare while adopting pleasant objects (*preya*) they are dissociated with the welfare. (*Tayoh śreya ādadānasya sādhu bhavati / hīyate 'rthādyā u preyo vr□n□īte'*)³ That is why, the *Taittirīya Upaniṣ□ad* advises an individual to do those actions that are *anvadya* i.e., faultless from all standpoints. Other than these the rest should be rejected

(*yānyanavadyāni karmān i karmān i sevītvayāni / no itarān i //*).⁴ These actions which protect the interest of oneself and others are permissible. Those who can see all beings in his own self and self in all beings cannot hate others. (*yastu sarvān i bhūtāni ātmanvevānupaśyati / sarvabhūtes u cātmanam tato na vijugupsate //*).⁵ If some one thinks others as separated from himself, he can hate others. But as he looks at others as his own self, he cannot think them as separated from himself and hence, there does not arise any question of hate to others.

In the R̥gvedic *mantra* seers are always found to pray for the same status of all human beings irrespective of caste, creed etc. It is prayed so that all of us can go together, speak together have same equal mental status. We should also have same purpose, same organization, equal mind and equal hearts, same appeal to the Almighty, and so also same heart having same feeling (*'sam gacchadhvam sam vadadhvam sam vo manānsi jānatām./ samāno mantrah samītiḥ samānī, samānam manah saha cittames ām..., samāni va ākutīḥ samānāḥ hr̥dayāni vah samānamastu vo manah'* -*Rgveda-10/191/2-4*). Even teacher had a strong desire that he should not possess the sense of exclusion from the student. That is why, both the teacher and student used to pray so that God may protect both of them, bring them up equally and strengthen the capacity of grasping of what is taught. A teacher sincerely wanted that there should not be any sense of exclusion but instead both are brought up and protected by God after strengthening their acquired knowledge and bringing no room for violence between them (*'Saha nāvavatu saha nau bhunaktu saha vīryam karavāvahai/Tejasvi nāvadhītamastu mā vidvis āvahai//'* -*Kenopanis̥ad, Mangalācāran̥a*) The seed of such inclusion is found even in the *Yajurveda* in the following *mantra* (38/18).

*Mitrasya mā caks̥us̥ ā sarvāni bhūtāni samīks̥ antām/
Mitrasyāham caks̥us̥ ā sarvāṇi Bhūtāni samīks̥ e
Mitrasya caks̥us̥ ā samīks̥ āmahe//.*

“May all beings look upon me with the eyes of a friend; may I look upon all beings with the eyes of a friend; may we look upon one another with the eye of a friend.”

The *Pr̥thivī-sūkta* of the *Atharvaveda* echoed the same theory of inclusion among men where it is prayed to Mother Earth to strengthen all in the earth to have a secular outlook. It is said: Oh, Mother Earth, give us as your children the ability to mix harmoniously without any discrimination, may we speak sweetly with one another’. The original *mantra* runs as follows: “*Ta nah prajāḥ buhatam samagrā vāco madhu pr̥thivī dehi mahyam*” (*Atharvaveda-12/1/1/45*).

In the *Śrīmad-bhagavad-gītā* it has been rightly endorsed by the Divine Teacher that each and every faith carries the same worth and significance for the people of India. The verse runs as follows:

*“Yo yo yām yām tanum bhaktah śraddhayārcitumicchati,
tasya tasyācalam śraddhām tameva vidadhāmyaham.”* (7/21)

That is, “I provide firm devotion to certain deities whom he wishes to worship faithfully. It is again substantiated in verse - 4/11 where the Divine Teacher declares that men may pursue His path in various ways and He fulfills their desires in whatever

ways they prefer to identify Him ('yeyathā mām prapadyante tanstathaiva bhajāmyaham/mama vartamānuvartante manusyaḥ pārtha sarvaśah //').

Justice can be done to others if this Advaitic and Upaniṣadic view is taken into the account. Those who are engaged in doing welfare of others are called *Dhārmikas* in the true sense of the term. In the *Bhagavadgītā* it is said that Self exists in all beings and all beings are in Self ('*Sarvabhūtastham ātmā ātmani sarvabhūtam*'). Without this notion no justice is possible. All the good-qualities that are essential for the said justice are originated from this notion of Self. The qualities which make a man's life fruitful are called *sadgunā-s*. In the *Mahābhārata* it is said that all these qualities are to be obtained for the development of complete humanity. The forgiveness (*ksamā*) steadiness, non-violence, equality, truth, non-miserliness (*akārpanya*), shame (*hrī*) etc. are included in *Sadgunā-s*.⁶ Due to the inclusion of *akārpanya* in the list of the *Sadguṇas* it is indicates that, if somebody thinks of his own interest, this is due to his narrowness described as miserliness (*kārpanya*) which is not at all treated as a good quality. For, *kārpanya* indicates the lack of sacrifice (*tyāga*) in an individual. If a man always leads a selfish life, he is not at all appreciated for the absence of the said harmony. We generally request our social beings to sacrifice for each other or to help us the various ways. This is called 'fellow-feeling' in the true sense of the term. If sacrifice finds no room in a society, there will be conflict, malice, hatred, violence etc. leading to the society into astray. That is why; this selfishness or miserliness is described as a defect which counters the human nature (*kārpanyadosopahatasvabhāvah*). The performance of sacrifice is the only way to prosper, as pointed out by the Divine Teacher. Just as a man gets whatever he needs from a mythological cow (*kāmadhuk*), a man can have all desired object through sacrifice. Here the term 'prosper (*prasavidhvam*) can be interpreted as both this-worldly and other-worldly prosperity. If we adhere to the selfish attitude, we would be in a position when idleness may grasp us. That is why, it is the injunction of the Divine Teacher to forsake the miserly attitude and idleness ('*klaivyaṃ māsmā gamah*').⁷ Moreover, one who enjoyed some thing from others without giving them any thing in return is a thief. ('... *Apradāyaibhyo yo bhunkte stena eva sa*'). It teaches us the way for living in a society with cooperation with each other for the sake of harmony.

The above-mentioned notion of harmony becomes more firm-footed if the concept of *Dharma* in the *Mahābhārata* is carefully reviewed. To think about the welfare of all beings is *Dharma*. The main objective of *Dharma* is to think about the welfare of the whole world and to become maliceless towards all beings. ("*Mānasam sarvabhūtānām dharmāhurmanīsinaḥ/ yasmāt sarvesu bhūtesu manasā śivamācaret*")⁹ and "*Adrohenaiiva bhūtānām yah sa dharmah satām matah*").¹⁰ To make friendship with all beings without doing any harm to them is also *Dharma*. ("*Sarvabhūtahitam maitram purānaḥ yam janā viduh*")¹¹ In this epic justice to human being is considered so emphatically that for the sake of 'good' of human being it is permissible to say falsewords. If someone does not speak the truth, if it is connected with an individual's death-sentence, it is not to be taken as a fault. In the same way, the speaking of truth which is connected with someone's total loss of property is not also supportable. ("*Satyājyāyo nrītam vacah*").¹²

III

In *Mānavadharmasastra* Manu's concept of *Dharma* is similar to that of the *Mahābharata*. *Dharma*, as Manu opines, is the means of the attainment of the good (*śreyah*) which is described by the Vedas as heaven etc. It has been stated afterwards that *Dharma* is always performed by honest and intellectual persons having no malice etc. and it is always supported by one's conscience. (*hṛdayenābhyanujñāta*).¹³ In other words, that which is performed by the honest, maliceless intellectual persons and that which can associate us with our well being and highest good is called *Dharma*. Those who are really *Dhārmika* in nature should possess thirteen types of moral characters which include service to others (*aparopatāpitā*), non-jealous to others (*anasūyatā*), softness in temperament (*mr̥dutā*), non-harshness to others (*apārusyam*), friendliness (*mitratā*), capability of speaking lovable words (*priyamvāditā*), sense of gratitude (*kr̥tajñatā*), pity of others (*kāruṇyam*) etc. All these moral characters are described as preconditions of *Dharma* on account of the fact that these moral characters are to be developed for justice to the social beings. ("...aparopatāpitā anasūyatā mr̥dutā apārusyam maitratā kāruṇyam praśāntiśceti trayodaśavidham śīlam").¹⁴

Dharmaśāstra has formulated some moral codes in such a way so that the interest of different communities, weaker sections, women etc. is protected. In *Manusamhitā* it is stated that a Brahmin is allowed to take up arms in self-defense, or in defense of women, or the social order. As he has to take a soldier's duty, he has to violate the strict rule of *ahimsā*. This is permissible as an emphatic way of asserting the social obligation to stand up defence of social order, weaker section, women and children.¹⁵ In Manu's system no one is allowed to solicit for alms if he feels hungry. Beggary like crimes grows like weeds in a neglected field and only when *Dharma* is relaxed. Solicitation of foods for a parent, a teacher or a sick person stands by its vicariousness on a higher level, and is commended.¹⁶

The concept of *Danda* (punishment) is an important concept in Manu's social philosophy. *Danda* or punishment, as Manu observed, was essential in the society in order to do justice to the social being or to bring harmony in a society. Before the emergence of *Danda* there was *Mātsya-nyāya* in the society. If *Danda* were not invented, there would have been exploitation of the weaker section in the society. The famous commentator Medhatithi observes that the stronger persons may exploit others or may torture the weaker section of people in many ways, viz, sometimes snatching their properties, sometimes engaging them in a job which requires bodily labour, or sometimes abducting their wives (*dhana-śarīra-dārāharanādīnā*). If this situation prevails, no social norms would be maintained. Hence each and every social being would be deprived of his own right. ("Svāmyam na syāt kasminścit")¹⁷ leading to the origination of social disorder and dominance of the superiors by the inferiors. ("pravarttetādharottaram").¹⁸ From the importance given to *Danda* it is assumed that Manu did not went the practice of exploitation of the weaker section by the stronger, which is the proof for the existence of justice in the society in ancient India. This is evidenced from the fact of his prescription of the service of the old by the younger without any interest. If a young man greets an old man and engages himself in the service of the old, he gets larger span of life, knowledge,

fame and spirit. (“*Utthāya sarvadā vr̥ddhābhivādanśīlasya vr̥ddhasevinaśca āyuh-prajñā-yaśo-valāni catvāri prakars̥ena vardhante*”).¹⁹

Manu prescribed some moral codes in favour of the protection of the dignity of the ladies. An individual should show honour to the ladies who are wives of others but not connected with blood and should address them as sister etc. which, I think, may help to form a society where all men and women may be tied with the thread of relation (“*yā strī parapatnī bhavati, asambandhā ca yonitā iti sasrādirna bhavati tāmanupayukta-sambhās̥an̥akāle bhavati subhage bhagini iti vā vadet*”).²⁰

Manu has propounded some moral codes that have got eternal social value and universal character. If these are followed properly, there would not be any injustice or discontent in the society. An individual should collect good whatever may be its sources. He advised to see good things and follow it from other social beings even from the enemies. One should collect nectar from poison, should hear good advice even from a child.²¹ This statement may guide an individual to lead a happy moral life due to having egolessness. The advice listening to good words even from the children and enemies indicates that one should be open minded or broad-minded or broad-minded for leading a good social life after keeping harmony. The justice shown to all is evidenced further from the statement that one cannot survive in a society without rendering service to each other. Hence, the service to mankind is described as *Nr̥yajña*. The term ‘*yajña*’ attached to the term ‘*Nr̥*’ has got much significance. The term denotes that the service of mankind should not be looked upon as an ordinary object, but as *yajña* or *ritual*.²² The injunctions like one should not sell an object which is not up to the mark and which is not properly measured (“*Nānyadanyena samsr̥s̥t̥arūpam vikrayamarhati/Na cāsāram na nyūnam ...*”)²³ come from the strong ‘feeling’ for the social being.

IV

Those who maintain the moral codes or *Dharma* in the sense mentioned earlier are called *Sat* i.e., existent or that which is existing. An individual who exists physically is not taken as *Sat*, but one who has justified one’s existence is called *Sat*. If a man is known to all and has made his existence ‘meaningful’ by way of performing social service, giving respect to others, he is called *Sat*. Those who are negatively famous or negatively prove their ‘existence’ are called *Asat*, because their existence is denied here. Hence, our existence is justified through the performance of good works like social service etc. A person who, though physically existent, does not do justice to others for the sake of harmony is *Asat*. Here the terms *Sat* and *Asat* should be taken in this specific sense. The concept may be clarified with the help of an example. A father who is very much annoyed upon his son who does not prove his existence positively is found lamenting with the words. ‘I have no son though he exists’. On the other hand, a man being satisfied with the service rendered by an individual with whom he has no blood connection is found saying – “I am endowed with son though really I have not’. In the former case the son has got physical existence which is taken as tantamount to not having a son. While in the latter case the son has no physical existence which is taken as equal to having a son keeping his sense of justice towards others in view.

The Buddhists, I believe, also believed in this concept of *Sat*. They admit that an object is to be understood as *Sat* if it has got causal efficacy (*arthakriyākāritva*). An

object is *Sat* if it has capacity to serve our and other's purpose. Otherwise it would be taken as *Asat*. The jar, pot etc. would come under the category of *Sat* due to having their causal efficacy while hare's horn etc. is *Asat* due to not having the same. This doctrine, I believe, which is applicable to this epistemic world may be extended to other places. Behind the formulation of this concept there, I think was functioning some idea related to social welfare, and the sense of morality. An individual may be described as *Sat* and *Asat* after keeping his *arthakriyākāritva* by way of doing a social welfare accepting *Maitrī Karunā* etc. or *anarthakriyākāritva* respectively in view. To the Buddhist the human body is nothing but an object. As it is a body of human being, the *sattā* of it is determined in terms of causal efficacy connected with human value or social value, which leads to the path of *Maitrī and Karunā*. Hence, the causal efficacy of human being is different, which is not expressed in an explicit way in Buddhist literature. The same idea can be traced when they describe *Sat* as *Svalaksāna or unique*.²⁴ Just as the causal efficacy of water lies in the object itself, but not in the word 'water' the causal efficacy lies in human being, but not in name, race, caste etc possessed by him. An individual has to prove himself *Sat* by his own causal efficacy in the form of good works like social service etc. but not through his name, race etc. Hence, the Buddhists have coined the term '*kalpanā*' or imagination on account of the fact that they have no value in proving a man *Sat*. A man having unique character free from imaginary attributes is self-luminous or *Svaprakāsa*. Hence, he does not need to mention his name, father's name, race etc.

The same idea has been expressed by Bhartrhari in the following *Śolka of Nītiśataka* which runs as follows:

*"Eke satpurusāḥ parārthaghatākāḥ, Svārthān parityajya ye,
Sāmānyāstu parāthamudyamabhrātāḥ Svārthāvirodhena ye,
Temī mānavarākṣakah parahitam, Svārthāya nighnanti ye,
Ye tu ghnanti nirarthakam, Parahitam te ke, na jānīmahe."*²⁶

That is, 'There are *Satpurusās*, good people, who engage themselves in the good of others sacrificing their own self interest, the *Samanyas*, the generality of people, on the other hand, are those who engage themselves in the good of others so long as it does not involve the sacrifice of their own self-interest. There are others, the *Mānavarāksāsa*, devilish men, who sacrifice the good of others to gain their own selfish ends, but alas, what am I to say of those who sacrifice the good of others without gaining thereby any good to themselves or to any one else.'²⁷

The *Satpurusās* or good men have gone their overwhelming goodness which is not at all vitiated by their selfish motive and hence, they become glorified or they have glorified their existence. On the other hand, the people who destroy others' welfare in order to have more pleasure or comfort in their own lives are called *Mānavarāksāka*, the devilish man or *Asura*. At this stage an individual tries to develop or satisfy his billogical or physical needs, but fails to develop his morality though he has so called proper education. Due to the lack of moral education a man dares to adopt unfair means in order to fulfil his own interest. Here self-interest is fulfilled sometimes at the cost of other's life, a sometimes exploiting others. This type of person is known as devil in the form of man. The person having this devilish attitude is called *Asat*, or *Mānavarāksāka* or *Asura* due to having the lack of the sense of the justice to them.

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