

SOCIAL JUSTICE: A CONCEPTUAL OVERVIEW*

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Justice is a master concept of political and socio-philosophical thought. Justice or social justice is a concept which has multi-dimensional aspect and it illustrates through the different streams from their own point of view. Social and political philosophy interprets social justice from the view that how the social and political organisations are constructed and how this formulation affects on the poor or deprived people. Social justice is one of the important key concepts through which it can be possible to improve or arrange the social order specially for the weaker section. Though it is a real fact that absolute equality cannot be made in this society, but justice gives the opportunities and resources to the people and try to establish the equality among the peoples.

The word “Justice” is derived from the Latin word “Jus”, “Justus” and “Justitia” and connected with the word “Jungere”. The etymological meaning of the term Justice according to Berker is as follows. The word ‘Jus’ reveals the idea of suitable convention to which anyone can appeal and which is identified and can be imposed by a human authority. Justice is the idea by which we can morally distribute any good in the society, e.g. – freedom, rights, power, wealth, leisure and so on.

There are many disagreements among the thinkers regarding the meaning and nature of justice. However the notion of justice was first traced in the writings of the ancient Greek philosopher and scientist Pythagoras (582-507 B.C). After him, the theory of justice has been discussed many times in different perspectives, but yet it is not possible to define the exact meaning of justice or offer any universal definition of it. It is a dynamic concept. Due to the ever-changing nature of the society, man’s thought and his ideas are in flux. Naturally in the changing society, the concept of justice is also changing. It has been modified in terms of different places, times and perspectives. But this paper tries to offer a conceptual overview on social justice:

* I am thankful to my supervisor Prof. Debika Saha for her valuable guidance in writing this paper.

Ancient perspective on justice:

Like many other ideas, the concept of Justice has been one of the greatest contributions of ancient Greece, especially Plato. Plato was one of the greatest political philosophers who have made a significant contribution to the development of the idea of justice. His book '*Republic*' has been mainly devoted to the analysis of justice. How the absence of justice is harmful for the society and for the control of human life style? How the place of justice is determined? These are the main questions of *Republic*. To develop his own theory, Plato unveils the different theories of justice in terms of dialogue. These are as follows: Cephalus was the first sophist philosopher who represents the traditional view of justice. According to him, justice is telling the truth and paying one's own debt. After this, his son Polemarchus said that doing well to the friend and harm to the enemies is what justice is all about. Thrasymachus represents the critical view of radical theory of justice. He says that 'justice is the interest of stronger' or 'might is right'. Glaucon represents the pragmatic theory of justice. He said that justice is an artificial thing or a product of social convention. He upholds that justice is known as child of the fear.

Plato criticizes all the above views and gives his own views about justice. Plato strikes on an analogy between the human organism and social organism. According to him, reason, spirit and appetite are the three elements of human organism. A man will be treated as just, when his or her part of soul performs its own function without interfering other elements. For example- reason should rule with wisdom, the element of spirit rule with courage and the element of appetite rule with temperance.

Corresponding to these three elements in human nature, there are three classes in the social organism—rulers, soldiers and artisans or farmers. The ruling class or the philosopher classes are the representative of reason. Soldier class is the warriors or defenders of the country, is the representative of spirit and the lowest class like farmer or artisans is the representative of appetite who constitutes the lowest rung of the ladder. Thus, Plato links between the human organism and the social organism.

In a society, justice can be realized if each group performs his own work properly which is best suited for them without interfering the others. To him, one man

should exercise only one thing which is best suitable for himself or herself. Thus justice is based on three principles- specialization, non-interference and harmonic. According to him, justice is one type of connection which holds a society collectively, in which individuals harmoniously lives together and each of them has found their life-work in accordance of his ability. For Plato, justice is one of the parts of human virtue which makes a man good and social. It is the harmonious strength which is effective harmony of the whole. He considered that, justice is the root of well-ordered society. If all the inhabitant of this society follow the idea of justice and perform his works fairly, then universal happiness could be achieved.

Plato's theory of justice is not free from defect. Firstly, his theory is based on moral principle, but there is lack of legal sanction. He does not discuss about why every group conflict with each other for their own interest. Secondly, he upholds the theory of one man, one work. This principle manipulates the all-round development of human personality. Thirdly, his three-fold division of classes is impractical. Fourthly, Plato's theory is a system of division of duties; it does not give rights to the people. He divides the society into three classes and gives them a specific duty to perform properly. But he does not give equal treatment to everyone. Lastly, his theory gives absolute power to the philosopher king. This gives rise to totalitarianism and ignores humanitarian principle like liberty, equality etc.

Utilitarian theory of justice:

Utilitarianism holds that 'greatest good, for the greatest number'. Utilitarian philosophers, specially Jeremy Bentham and John Stuart Mill see justice as the greatest good for the greatest number of people. They hold that an action is just if it increases good rather than worse for the greatest number of people and an action is unjust if it increases evil rather than good for the greatest number of people. Utilitarian stands behind the 'welfare of the greatest number'. They consider that those laws are right which promote good for the greatest number and those laws are wrong which tend to promote worse rather than good for the greatest number.

But the basic defect of the utilitarian theory of justice is, it holds that the 'welfare of the maximum number of people'. But the term 'maximum number' is indeterminate. What is meant by the term maximum number? The Utilitarian does not mention the specific number of the people, on the other hand 'few number of the

society are deprived from the happiness. They are treated as the unfortunate members of the society. In fact, the utilitarian notion is called as biased theory in regards of social justice. Justice always treats equal for the all members of the society. So, the utilitarian theory is not acceptable in the sense of social justice.

Rawls' perspective on justice:

After discussing the above theory of justice, now this paper highlights Rawls's position regarding justice. Rawls, one of the American Political Philosophers is famous for his Theory of Justice. Influenced by the traditional *Social Contract* theory of Locke, Rousseau and Hobbes Rawls redefines his theory of justice. Kant's categorical imperative and the treatment of human being as an end not as means, draws his attention most. To the Greek philosopher (especially Plato) justice is the virtue of an individual, but for Rawls the first virtue of a social institution is justice. To construct a good society we must need several virtues, among them justice is the first virtue. In his book "*A Theory of Justice*" which was published in 1971, he renewed the concept of justice in a different way. It has been called the golden period for conceptualising the justice.

Rawls formulates his idea of justice for the construction of a well-ordered society. Though Rawls presents his concept of social justice in the American perspective, but his theory is applicable in all the societies in the world. For him, justice is "fairness". It is not only considered the general welfare of the society, but it is also concerned about the welfare of each individual of the society. Rawls clarifies that the basic structure of the society deals with the economic and social system and without this structure the social welfare are not possible. According to him, justice as fairness assured that each and every individual, even worst-off in society, gets the opportunity or benefits of the distributional shares of primary social goods, opportunity of income, wealth, office, self respect, liberty etc. Rawls claims that a society is just if the distribution is made in accordance with the veil of ignorance in the original position.

The method of original position is a hypothetical one, where parties do not know certain kind of particular facts. They do not know about their social status in the society, their abilities, physical and mental strengths, psychological framework. They even do not know about their political and economic situation, culture,

generation, heritage etc. Here the parties are free, equal and rational person to doing the Justice. The parties are also strictly impartial. The veil of ignorance is the most striking feature of Rawls's idea of original position. In this agreement, the parties in the original positions are ignorant about certain particular facts, about themselves and their society. The parties are placed behind a veil of ignorance for getting justice. The parties of the original position act autonomously and act for the universal reason or welfare of all. Rawls gives two principle of justice. These are:

1. Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others and
2. Social and economic inequalities are to be arranged so that they are both - (a) reasonably expected to be to everyone's advantage, and (b) attached to position and offices open to all.

Rawls said that no particular liberty has a priority over the other liberties; these are known as a family of liberties which are equally distributable among citizens. By the help first principle of justice Rawls wants to develop the liberal ideal of free self-governing human abilities. In this connection, in his "A Theory of Justice" Rawls mentions five sets of basic liberties. These are: (i) Political liberty which includes right to vote in accordance with one's own opinion. (ii) Freedom of association includes the liberty to associate with persons and to unit into groups of all kinds and freedom to speech and assembly. (iii) Liberty of conscience and freedom of thought, it not only involves the freedom to choose one's religion but also free to discard or reject the religion. On the other hand, freedom of thought is more broadly rather than liberty of conscience. It includes freedom of belief and the expressions of belief on all subjects. (iv)The liberty and integrity of the person contain freedom of movement and free choice of occupation, it also includes the right to hold personal property, which is necessary for personal independence and a sense of self-respect.(v) The right and liberties of the rule of law include the regular and impartial administration of law. Without the rule of law, the boundaries of liberties are uncertain.

These liberties are required for each individual in a just society. The general concept of justice does not give preferences to the basic liberties over the primary social goods. All the primary goods have equal significance and the distribution of

the primary goods is meant to the benefit of everyone. To reach his aim, Rawls suggests second principle of justice, which has two parts, i.e.-one is the difference principle and the other is the fair equality of opportunity.

Rawls tries to make a property as a term in (owning democracy) liberal socialism, not the capitalist welfare state. This principle demands that justice should be arranged in such a manner that the worst-off also enjoy the maximum benefit. Here a question may arise who are the “worse-off” or “least-advantaged” people? According to Rawls least -advantaged people are not the unhappiest or the unluckiest person, not the happiest, neither beggar nor the harmless people. They are the unemployed person. It does not mean that they are just avoiding doing their work. By “least-advantaged” Rawls means the least advantaged working persons as measured by the income, he/she obtains for gainful employment. This results for the unequal distribution of income and wealth. The difference principle is an alternative idea of distributive justice, by which it is possible to measure the social welfare. According to distributive justice our duty is to fairly distribute the income and wealth among people in the society without any discrimination, whether they are poor or not.

According to Rawls fair equal opportunity is necessary if justice as fairness is to achieve its aim of making to fairly distribute the income and wealth among the people without any partiality. In fair equal of opportunity Rawls mainly emphasized on the equal opportunity of education to all. In preventing the social discrimination Rawls introduces his FEO principle. Rawls also says that everyone gets his job by their ability, talent and willingness of his work. In FEO Rawls rejects the preferential treatment for the socially disadvantaged minority group and it is (gives the advantage for a specific group) not compatible with FEO. Preferential treatment is not fit with the liberalism which emphasis on individual and rights, rather than groups or group rights.

However, Rawls main thrust is to the reciprocal benefits and advantages where every individual contributes to society and derives benefits in the process. Rawls theory of justice is often compared with Amartya Sen’s idea of justice. Amartya Sen is an economist. He is highly influenced by Rawls’s theory of justice. But he is not in total agreement with John Rawls views. Sen’s view is comparatively similar with Rawls, in focusing society as original position in taking

justice as fairness. Like Rawls, he says that, removal of poverty can be possible through giving equal importance in social arrangement. Rawls and Sen, formally or informally give acknowledgement to the individual in taking opportunities to pursue their goals. Let us discuss the difference between Rawls and Amartya Sen regarding the meaning of justice.

Rawls theory of justice as fairness is too extreme in nature according to Sen. Further Rawls contradicts on the part that hunger, starvation, medical negligence are not important than personal liberty. Though Herbert Hert shows that Rawls himself gives some priority to hunger, starvation and medical negligence, but it is indeed possible to accept that liberty must have some kind of priority, but total unrestrained priority cannot be given to liberty as such. Example can be offered that different types of schemes are given partial priority over another. For example, *sarva siksha abhijan* and mid-day meal- these two schemes are important. But mid-day meal programme is more important than the other.

According to Rawls, justice should be universal or conceptual. So, he does not accept the teleological theory or the consequential theory, which holds that, an action is good which produces greatest amount of happiness for the greatest numbers. He believes in welfare of all. But Sen does not accept Rawls's theory of universalism. Sen says that in our practical life it is not possible to welfare individually, we welfare collectively or distributively. It means we welfare a part of the society. So, he says that we cannot measure an action without consequences which is produced by an action. He says that justice should be prudence. So, his idea of justice is known as prudence consequentialism.

Rawls's theory of justice mainly laid emphasis on the primary goods. He judges that the equal distribution of primary goods in the society gives the liberty for all. He says people have the means through which they are being able to convert the primary goods into good living. Through the primary goods people can enrich their life. On the contrary Sen's idea of justice known as welfare economics and it is focused on the human capabilities. Equality not only demands the equal social means, in post-modern period it also demands the efficiency. According to him, an individual pursue his or her objectives not only by the primary goods but also of the relevant personal in-born characteristics which govern the conversion of primary goods into

the person's ability to promote their ends. *Sen further exemplifies it as if a disabled person may hold a larger basket of primary goods and yet have less chance to pursue his objectives than the able-bodied person with a smaller basket of primary good.*³⁹

In this world there are different types of people. Their needs vary from each other. For example, a handicap and an able-bodied person's needs are different. If I give them fifty rupees to enjoy horse riding, then only the able person can enjoy the horse riding. On the other hand, if I give them a wheel chair, then I fulfil the requirement of the handicap person. So, Sen upholds Rawls theory of justice cannot do justice to all. By this one criterion, it is not possible to offer welfare to all. Sen further says that focusing on conversion of primary goods actually hinder the movement of individual freedom and their capabilities. It will be like human, transforming into machine.

As a whole, it may be said that the idea of justice as fairness is the centre of focus in both Rawls and Sen's arguments. They both somehow lay their emphasis on pointing out that the moral powers, the sense of justice and the concept of good are the prime importance in individual's life. But their approaches are different.

Feminist perspective on justice:

The feminist holds that domination of men on women is a curse for the society and it increases the sex inequality between men and women. Feminist thinks that, women are also inferior in all qualities in terms of male. But in the society females are treated as commodity. Men thought that, women are physically, intellectually weak than the male and she is not eligible to participate in different kinds of activities. In society her life confined within her family and nourishing her babies and her family members. Long before dowry system, brides burning or torture etc. are started, but in modern period these cases are also seen in different places. Though Indian Constitution gives equal preference among the men and women, but today we have seen that there are discriminations between men and women. The feminists are fighting for the equal treatment between male and female. And they uphold that female is not weak in any aspect in regards of men. According to them justice will be established when the society treat female as equal to the men.

³⁹ Sen, Amartya: The Idea of Justice

In a way of conclusion we can say that all the theories of justice are more or less defective. But their contribution on the establishment of the justice is appreciative. Our Indian Constitution is also accepting the spirit of the different theories of justice. Though there are many objections raised against Rawls theory of justice, but it is not possible to deny its core values. His theory of justice has the significant contribution in the society. His main aim was to construct a basic well-ordered society, where everyone gets equal opportunity. Through the fair distribution of social goods and benefits throughout the world, he wants to make an ideal democratic society, where everyone feels free and equal. Rawls's concept of social justice is one of the ways by which the upliftment and welfare is possible for the weaker section of the society. His concept of justice as fairness provides the basic needs of life to the last deprived person of the society. To give fair share of social goods, Rawls gives preference to the worst-off people of the society. It is the ideal society which gives to every individual full, free and most importantly fair opportunities for the over-all development (especially moral development) of his personality. Rawls's justice is not merely general welfare of society but it is considered as the welfare of each individual.

Rawls's theory of justice reconciles the ideal of liberty of individual with equality of all, including the equality of the worst-off. As a pioneer of social justice, we are thankful to John Rawls for offering his valuable view about social justice, which achieves a new connotation in the context of the modern world order. To set up justice, our Constitution make a list of laws, but as social justice is a crucial factor to our social life, law is not sufficient for the justice. Beside the law, the general moral conscience is an aspect for justice, which plays a vital role to construct a well-ordered society. Because the main motive of social justice is to make a well-structured society.

In a society if everyone always thinks for his own profit and ignores others, then the equality cannot be raised in this situation. In this country equality can be established when every reasonable and rational person or moral human being helps each other or co-operate with each other. Because we often see that a group always enjoy the facilities (which is given by Constitution) and the other always become deprived. In this way equality can never be achieved. So, our primary duty is to

become a good person and help each other and give opportunity to others so that everyone can enjoy the facilities. Therefore, we can say that moral conscience helps to formulate a harmonious society where everyone lives peacefully.

One of the other basic things is that equality is possible if every men and women respect each other. And this is possible when the member of each family teach their child how to respect everyone, whether they are male or female. Following this line of approach equal treatment to all is possible. Finally, the concept of justice plays an important role in bringing equality. But equality is a state of mind and this state of mind differs from each other according to their set of mind. This is the reason that this expedition for how to establish the equality in the society is an unending process. From the dawn of civilization, this quest towards equality brings different theories and the quest continues as long as the civilization will exist on this earth.

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