

Social justice

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'Social-Justice' is the central issue of present day's politics, economics, sociology, social philosophy, jurisprudence and the allied studies. Dealing with social justice, very first I will discuss about traditional concept of justice. Justice is more a matter of individual feeling than a matter of physical experience. 1 Justice is also related with time and circumstances. What was to be just in the past is no longer considered to be so. For example, owning slave was just in ancient Greece and Rome, but in modern age it will be a crime against to humanity.

Thus justice is a changeable concept. It is changeable according to time and place. Justice reflects a pattern of social norm and values and the individual conduct is to be evaluated on its basis. In this sense justice becomes the criterion for judging the individuals in a society. According to D. D. Rapheal, " Justice is the foundation of social morality, and is concerned with the general ordering of society. " 2 In dealing with the concept of social-justice, it is essential to distinguish between the traditional idea of 'justice' and modern idea of 'social justice'.

The idea of social justice, however, is relatively recent origin and largely a product of the modern social and economic developments. The traditional concept of justice, variously described as conservative or orthodox concept, focused on the qualities on 'just' (or virtuous) man, while the modern concept of social justice postulates a 'just-society'. 3 The Ancient Greek and Hindu Approach of Justice In ancient Greek and Hindu approach, the justice concerned with functioning of duties, not with notion of rights. Both Plato and Aristotle hold the state to be prior to the individual. Plato, in particular, identifies justice with the performance of duties befitting one's class.

Plato's theory of justice which sought to prescribed duties of different citizens and required them to develop virtues befitting those duties. For Plato, justice is the highest virtue of society. He believed that the " principle of division of labor, that each man and more specially each class, should do that work, for which he is fitted and no other... (is)... justice. " 4 Aristotle does not deal with justice in the 'Politics' directly. Aristotle believes that the last end of the state is to provide the good life to its citizen.

He wrote, " While it (the Polis) is groups for the sake of mere life, it exists for the sake of good life. " 5 In ancient Indian tradition, we found two terms, namely 'Dandaniti' and 'Dharma', which concern with justice. 'Dandaniti' is very much close to modern notions of justice (Law and punishment). It is suggests to legal aspect of justice. Dharma is another name of code of duties and justice is nothing but virtuous conduct with dharma. Thus, like Platonic justice, the Hindu tradition linked justice with performance of duties prescribed by dharma.

Modern Approach to Justice:

In modern times basically two approaches, on justice, are in central debate. One is Liberal approach and second is Marxist approach. Liberal's argument is, the individual's rights and liberty are necessary for just society. While the Marxist approach rely upon the equality for just society. They believe that unless and until the existing inequalities in society will not be removed, society will not be just. But in the contemporary political philosophy, liberty vs. equality debate about justice has been over. The composition of justice is liberty, equality and rights.

Barker regards justice as a synthesis of different values necessary for an organized system of human relation. Liberal Approach of Justice In modern liberal thought " justice" is defined in terms of rights of individuals. The rights of individuals flow from law and the state is limited by these rights. So in liberal tradition, justice becomes a disposition to give everyone's his rights (or his due). The liberals lay emphasis on liberty of individual in all spheres of life; their main concern is with political justice. Their formula for economic justice is 'laissez faire' or free market economy.

The modern liberal view of justice developed in the writings of John Locke, Bentham, John Stuart Mill, Spencer and ? Research Scholar, Department of Political Science, Banaras Hindu University, Varanasi { 37 } Shodh Drishti, Vol. 3, No. 7, October-December, 2012 ISSN : 0976-6650 Adam Smith. More recently its development, we can see, in the writings of Nozick, Rawls, Hayak and etc. The rights of individual were the core issues of Locke's political philosophy. It has been remarked that Locke was an individualist. He believed that the protection of individual rights, and preservation of the common good were one and the same thing.

Thus, liberal political theory regards, justice as the function of rights and rights are the creation of law. Marxist Approach of Justice Marxist believes that the state is class organization. In the 'Communist Manifesto', Marx and Engels declared that the history of human society is the history of class-struggle. In the capitalist society, as Marxist believes, " there is a democracy that is curtailed, wretched false, and a democracy only for the rich, for the minority. " 6 The entire super structure, laws, moralities, law-courts, police force are all designed to rain-force the supremacy of the dominant class.

In this society justice is simply the interest of the economically dominant, the bourgeoisie, and its interest lies in the perpetual exploitation of the proletariat. According to Marxist approach, the source of injustice is the private ownership on the means of production, which create the social divisions into bourgeoisie and proletariat. The abolition of private property will inevitably create a classless society and result in the withering away of the state, and finally, the emergence of a communist society. And it will be the ideal state of justice.

Concept of Social Justice The concept of social justice emerged out of a process of evolution of social norms, order, law and morality. It laid emphasis upon the just action and creates intervention in the society by enforcing the rules and regulations based on the principles of social equality. The term 'Social-Justice' consist by two words: one is social and second is justice. The term 'social' is concern with all human beings who lives in society and term 'justice' is related with liberty, equality and rights.

Thus social justice is concerned with, to ensure liberty, provide equality and maintain individual rights to every human being of society. In other words, to securing the highest possible development of the capabilities of all members of the society may be called social justice. But, the terms 'social justice' is very much elusive cannot capture empirically. Krishna Iyer 7 in his book 'Justice and Beyond' has rightly proclaims " social justice is not an exact static or absolute concept, measurable with precision or getting into fixed world. It is flexible, dynamic and relative."

In fact, the emergence of just man, just action and just state of affairs in society seems to be a manifestation of social justice. MacCormick regards, "

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equal well-being of individuals as basis to social justice. " 8 Rousseau argued that men are equal by nature but the institution of private property has made them unequal and further perpetuated inequalities. Therefore, the perfection of man lies in the improvement of society that can be done by remarking man by cultivating natural feelings and sentiments which guarantee equality and social-justice.

The aim of social justice of reordering of the society so as to eliminate the source of injustice in social relations, such as discrimination on the basis of caste, sex, religion, race, region etc. On other hand, social justice may require protective discrimination in favor of the downtrodden, underprivileged, weaker sections of society. There so many definitions given by the various theorist of social justice. So it becomes problematic to define it in common manner or common way. But, each conceptualization is concerned with the distributive character for imparting justice.

Frankena¹⁰ has defined social justice as any system of distribution and redistribution which is governed by valid moral principles. For Frankena, the concept of just society should emphasize on the principles and practical aspect of social justice. Thus, he conceives social justice as a part of political justice that emphasizes to create just society. ¹¹ In the view of former chief Justice of India Gajendragadkar, the concept of social justice has dual objectives of 'removing all inequality' and affording equal opportunities and 'economic activities of all the citizens.

His view also emphasize to equal distribution of economic goods and opportunities. John Rawls and Robert Nozick also emphasize on distributive character of justice. For Nozick historical entitlement is an important element

of distributive justice where the society is aware of its wrongs and has an increased interest in compensation. Therefore, for him, backward looking concepts are important that address the distribution of goods in society as social justice.

John Rawls conceptualizes Concept of Social Justice in Political Thought with Special Focus on Gandhi and Ambedkar justice as fairness where there is desirability of advantage for the marginalized groups in some respect. In the border perspective, social justice deals with the regulation of wage, profits, protection of individual rights through the legal system of allocation of goods and resources. In different words social justice means availability of equal social opportunities for the development of personality to all the people in the society, without any discrimination on the basis of caste, sex or race. No one should be deprived, basis on these differences, because these are those condition which are essential for social development.

Therefore, the issue of social justice is associated with social equality and individual rights. Social justice can be made available only in a social system where the exploitation of man by man is absent, and where privileges of the few are not built upon the miseries of the many. ¹³ The core element of social justice is equal social worth which required that citizens be guaranteed certain social rights as well as the civil and political rights. The idea of social justice demands freedom, equality and other human rights to secure to greatest happiness and common good of human beings.

But, Frankena says, the notion of social justice goes beyond the principle of equality to the principle of agreements in society where there is non-injury, noninterference and non-impooverishment. For him, social justice is giving

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special attention to people though it may entail any sense of inequality of treatment. 14 Finally, the core concept of social justice is, 'men are equal in their lives', they should enjoy equal freedom and rights in society. Thus the 'social justice is an intrinsic virtue of society'.