

THE TRANSITION FROM JUSTICE TO SOCIAL JUSTICE

PRITI PATTANAİK

Assistant Professor, V. N. (Auto.) College,

Jajpur Road, Jajpur, Odisha

Email: pritipattanaik1985@gmail.com

Abstract:

Figuring out the immense socio and political values, justice carries its own importance and versatile nature. Its versatility is the cause of its lack of precise definition. Its applicability in various spheres makes it multi-dimensional. In the Greek era, Platonic justice came to prominence conspicuously. Justice is mostly a problem of moral philosophy. But in politics, the concept of justice is used as a pathfinder to public policy. The modern concept of justice on the contrary is marked by a shift of emphasis on traditional conservative ideas to progressive ideas of justice where for the realization of certain human values social platform is taken as the main ground. Rawls has conceived a scheme that allows us to think of the universal principle of justice (morality) which would be acceptable to all rational beings. The term 'social justice tends to issue from the mouths of reformers. , Rawls has discovered a method for making procedural justice an instrument of meeting the requirements of social justice.

Keywords: *Platonic Justice, Hobbesian Justice, Human values, Rawls' Justice, Social Justice*

Reference to this paper
should be made as follows:

Received: 07.03.2021

Approved: 22.03.2021

PRITI PATTANAİK

*THE TRANSITION FROM
JUSTICE TO SOCIAL JUSTICE*

Article No. 12

RJPSS Oct.-Mar. 2021,

Vol. XLVI No. 1,

pp. 103-109

Online available at:

<https://anubooks.com/>

[?page_id=7712](https://anubooks.com/?page_id=7712)

[https://doi.org/10.31995/](https://doi.org/10.31995/rjpss.2021.v46i01.011)

[rjpss.2021.v46i01.011](https://doi.org/10.31995/rjpss.2021.v46i01.011)

Introduction

The transition from Justice to Social Justice

Figuring out the immense socio and political values, justice carries its own importance and versatile nature. Its versatility is the cause of its lack of precise definition. Its applicability in various spheres makes it multi-dimensional. Still, every sensible people innately calculate just and unjust factors in every front of his living be it pertaining to family or society or state or nation. It has a strong bond with the forms of Government be it monarchy or aristocracy or dictatorship or democracy. Probably initially man thought of justice at individual level and expected it in the form of natural justice. After entering into a social contract there was the need for social justice.

Justice The meaning of ‘justice for the common man would be ‘just’ and ‘unjust’ considerations decided by the use of the rational conscience of man. This view of justice differs greatly from the notion of justice maintained by Sophist Thrasymachus. For him, justice was the interest of the powerful being or the stronger of the society. Pythagorean have used the notion of justice to mean ‘returning equal for equal. With this background, Pythagoreans have raised the issues of “reward for good human action and punishment for bad human action”. In the Greek era, Platonic justice came to prominence conspicuously. Among Greek thinkers, Plato raised his voice to explain justice through different characters.

Thrasymachus’s view of Justice

In the “Republic” there has been a detailed discussion to find out the nature of just acts or for what justice can stand. Three major views have come up in the following manner.

According to Cephalus justice stands for maintaining honesty in action and words. He considers that wealth is most important and helpful for man. It is because if someone has a good amount of wealth then at his old age he can live happily. He will have a loan-free life and he can perform such acts easily which he wants to do to please his forefathers. For this reason, he has earned a lot of wealth in a very honest way. So he considers honesty in action and words injustice. But Polemarchus differs from the view of Ceephalus.

According to Polemarchus people may think justice consists in speaking the truth, paying back the loans, living an honest life, etc. But the ground of considering all these to constitute justice is not clear. So it is better to consider that justice consists of helping a friend and causing harm to the enemies. But Thrasymachus, who was a profound orator and teacher, had a different opinion regarding justice.

According to Thrasymachus fulfilling the interest of the stronger or powerful being of the society is justice. He says that the weaker section of the society should accept the rules and regulations stipulated by the dictator. The dictator formulates rules for the people. The justice consists of obeying the rules of the dictator.

This view of Thrasymachus was not appearing to be sound to Cephalus and Polemarchus. Because how can the fulfillment of the desires of the dictator be consider as justice? The desire of a powerful being may not be a selfless desire. Rather mostly the desires of dictators are in favor of their kith and kins.

Thrasymachus makes his point clear by saying that going against the desire of the powerful administrator will bring very dangerous consequences. So acceptance of the desire of the administrator is better than going against it. This shows that obeying the rules of the administrator is justice.

Here it can be pointed out that the view of justice given by Thrasymachus was fully unacceptable to Socrates. The arguments provided by Thrasymachus were not convincing. Thrasymachus holds such a view for the reason that he was having a separate view regarding the means of achieving the aim of life. It is true that to live peacefully and happily is the goal of man.

For Socrates to achieve the goal of life is itself the pleasure or happiness. Happiness lies in achieving the goal of life. But Thrasymachus says that to obtain more and more wealth, sense-enjoyment, and power is happiness and it is the goal of life. This difference in their understanding of life and its goal has led them to have two different views about justice. But the view of Thrasymachus cannot be accepted or any rational ground. It is at least clear that the conception of justice needs to be based on reason. But man builds up his faculty of reason in accordance with the social consciousness of his age. Raphael suggests it to be 'modern consciousness' that determines the true meaning of justice.¹ According to Plato "justice is the virtue of the soul. Justice is good, because it is indispensable". Justice is the attribute of an individual but connected with the entire society. Aristotle emphasizes on the aspect of human reason for the consideration of justice.

According to Aristotle, it is the characteristic of man that he alone has any sense of good or evil, of just or unjust, and the association of living beings who have this sense makes a family, a state. It was Aristotle who has introduced the concept of distributive justice. The other type of justice has been considered the corrective justice, which is a branch of legal justice. And it deals with the infringement of the law and the penalty proportionate to the offense.

The conception of justice of the successive thinkers

The distributive theory of justice is taken as an ethical theory and it is taken for granted that the ethical theories should account for distributive justice. In fact, utilitarianism has attempted at a theory of distributive justice. Bentham, Mill, Sedgwick all have thought in this 'direction' that everyone has equal right to share the pleasure.

The modern concept of justice on the contrary is marked by a shift of emphasis on traditional conservative ideas to progressive ideas of justice where for the realization of certain human values social platform is taken as the main ground. "The term 'social justice tends to issue from the mouths of reformers, and to be regarded with suspicion by those who are satisfied with the existing order.'"² In fact the present era of justice seeks to evolve society itself for the realization of some of the human values.

Justice is mostly a problem of moral philosophy. But in politics, the concept of justice is used as a pathfinder to public policy. There are two situations that prompt to the question of raising justice and those are (a) 'in a scarcity situation—where goods, services, opportunities, etc. are too scarce to satisfy all contestants' and (b) 'in an open society—where the allocation of various benefits is not tied to the fixed status of various individuals but they are free to demand a fair share on some reasonable ground'. In an open society, we can find two major criteria of allocation, namely, according to need and according to merit and ability. It is quite obvious that in a situation of scarcity it is impossible to meet everybody's needs. Gauba points out that "If we resort to an equal distribution of social advantages for the purpose of equal satisfaction of everybody's needs irrespective of their contribution, then no incentive will be left to work hard. The result will be less production and a lesser availability of goods and services, etc. for distribution and a general impoverishment of society."³ The platonic conception of justice has been construed as controlling all the walks of life and acting as the regulative principles of the whole life.

Hobbes argues that justice and injustice are not faculties of the individual, like sense and emotion, and therefore they have a place, not in a consideration of the natural and solitary man, but only where men are regarded as united to one another by special bonds. In Bradley's framework justice is found to be intimately connected with the notion of duty. To pragmatists like William James and Dewey, justice not merely a notion or concept to be thought of but a practical thought which has to be put into action to obtain useful result in the society.

Thus the traditional notion of justice was found to be quite simple which aims at a rational actions or a good social order. Gradually in association with political considerations, it was linked with three other important concepts, namely liberty,

equality, and fraternity. With the influence of democratic theories, the emphasis is concentrated on “to each his due”. At this stage, justice is found to be conditional on safeguarding the ‘rights of man.

At the initial state ‘justice’ is considered to be in operation where reward or punishment could be thought of in exchange for just and unjust actions. The reward for good actions and punishment for bad actions was treated to be the proper implementation of justice. Thus justice considerations came up to provide reward and punishment for good/bad human conduct. It developed with its moral links. But significantly it remained attached with the legal frames. Justice has also been treated as a moral ideal. The evaluation of the conduct of a man is done from the standpoint of justice

Rawls’ theory of justice

Rawls’ theory of justice is considered a contemporary conception of justice with its novelty. The theory of justice given by Rawls is considered as the landmark where justice is considered as the first virtue of social institutions. Rawls has conceived a scheme that allows us to think of the universal principle of justice (morality) which would be acceptable to all rational beings. His conception of justice is broadly known as the ‘justice as Fairness’. He has said that “My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction in the familiar theory of social contract as found, say, in Locke, Rousseau, and Kant.”⁴ By and large, Rawls seems to have attached emphasis on distributive justice that can offer fair equality of opportunity. Rawls has shaped his theory with the help of certain principles in the following manner.

First principle: ‘Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.’ Second principle: ‘Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged’ consistent with the just saving principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.’⁵

In the original position, men are supposed to be equal in two different manners according to Rawls. The first one, right to freedom of speech everyone possesses and the individuals are free to have their own conception of good and sense of justice. In this format to men living in the state of nature, justice has no meaning. Justice and injustice are really meaningful only in the context of a society. Rawls rightly points out that ‘the various conception of justice is the outgrowth of different notions of society against the background of opposing views of natural necessities

and opportunities of human life. Basing on the concept of 'social contract' he envisaged the 'original position' of the individuals in respect of social as well as economic positions. Here the emphasis was on self-interest but not egoism. That is how the sense of justice worked. The individual is supposed to be conscious of placing him/her in 'the least advantaged position' in matters of allocation so that there would be demand for the highest benefit of the least advantaged.

Social Justice

Social justice aims at a well-ordered Society. It is true that without justice a society cannot be well ordered one and the state cannot be a welfare state. In order to have social justice, there must be proper coordination among man-society and the state. Because the consciousness of man as a social being is at the root of it and he must realize that justice is always beneficial for the society and injustice is always harmful to society. 'A society where every section of the people get their due or do not deprive of their rights is considered as a well-ordered society.'

The application of the concept of justice to social sciences gives rise to economic justice, political justice, and social justice, etc. A society can be treated to have social justice provided a higher degree of moral principles is in operation in the society. There must be social peace in the society. Any kind of discrimination should not be there in the society. There must be order in the society. It is seen that societies differ so far as their conventions, practices, cultures are concerned. Viewing social justice from this empirical standpoint there would be different notions of social justice referring to the different social codes of different societies. In this perspective, social justice appears to lack universality. But social justice as a concept has universal understanding. It does not refer to the codes of the society. The codes may differ. But whatever the codes maybe, if the codes are properly observed then it will lead to social justice. The universality of the social justice is identified by looking to the righteousness, morality, virtue found in operation.

In the version of Marxist thinkers, the principles laid by Rawls are pertaining to certain hypothetical conditions 'where people deliberate behind a veil of ignorance. According to Rajendra Prasad social justice is distributive justice consisting of fair distribution of social good thus equal distribution of social good leads to social justice. Gauba mentions that "It is true that Rawls contemplates retaining the capitalist system on some specified conditions. However, it should not be forgotten that once these conditions are fulfilled, the capitalist system is bound to assume a new humane look. In fact, Rawls has discovered a method for making procedural justice an instrument of meeting the requirements of social justice." ⁶

References

- 1 Raphael, D.D., 1976, *Problems of Political Theory*,
- 2 *Ibid.*
- 3 Gauba, O. P. , 2003, *An Introduction to Political Theory*, Macmillan India ltd, Delhi, 4th ed, p.**380**
- 4 Rawls, John. , 1972, *A Theory of Justice*, Oxford University Press, London,p.**11**.
- 5 *Ibid*, p. **302**.
- 6 *Op.Cit.* p.**385**.