

The marginalisation of justice in public discourse

In India today, while self-interest and national glory dominate, concern for distributive justice is rare



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Two ideas appear to dominate our public discourse today. One, somewhat implicitly, self-interest. The second, far more explicitly, national glory. How the pursuit of material or cultural self-interest affects others does not seem to bother us. There is little acknowledgement that the pursuit of greed and narrow self-interest leads to severe inequalities, to an unequal division of social benefits.

Also missing is the thought that the burden of realising national goals such as development must be shared equally by all. True, nothing of importance is achieved without sacrifice. But why should some people sacrifice virtually everything they have and others benefit without forgoing anything at all? Given the compulsion to advance our self-interest, this burden is easily passed on to those among us who are powerless to resist it. Isn't it wrong that the least paid workers and peasants in our society are expected to offer the greatest sacrifices for building the nation? Why this grossly unfair division of social labour? Yet, concern for a fair distribution of benefits and burdens – the core issue of justice – is rare in mainstream public discourse.

Sharing benefits and burdens

What is distributive justice and why does it matter? Almost two decades ago, my younger daughter startled me by asking, "What is justice, baba?" I happened then to have a bottle of water before me. So, I began explaining to her. "There are many things I can do with this bottle. I can grab it, even

If I am not thirsty, keeping it solely for myself. Or, out of love, I can give it to you even if I am thirsty. Finally, I can give it to some other person not because I love her, but because I can see that she needs it most. This is justice." A few days later, as we stopped our car at the traffic lights, a 'bogger' came expectantly towards us and we gave him a packet of biscuits. My daughter immediately said, "That's justice, no? We gave something away to him even though we don't love him." My daughter hadn't grasped the concept of justice just yet, but she was on the right track. At the very least, justice requires that we not be greedy and grab things; instead, we share them with those we don't know or love. Simply put, a sense of justice is born when we begin sharing things with strangers.

In fact, the idea of distributive justice presupposes not only a social condition marked by an absence of love or familiarity, but also others which the Scottish philosopher, David Hume, termed 'the circumstances of justice'. For instance, a society where everything is abundantly available would not need justice. Each of us will have as much of everything we want. Without the necessity of sharing, justice becomes redundant. Equally, in a society with massive scarcity, justice is impossible. In order to survive, each person is compelled to grab whatever happens to be available. Justice, therefore, is possible and necessary in societies with moderate scarcity.

Justice also presupposes that people are neither totally alone nor organically united with others. If one was Robinson Crusoe, there would be no one with whom to share. And, if one was totally fused with others, with no distinction between self and other, then again, sharing will be unnecessary. Surely, one cannot share anything



with oneself! To sum up, justice acquires value in societies with moderate scarcity, where people are forced to deal with those who they don't love. It presupposes a moral psychology in which humans are neither wholly selfish nor entirely benevolent. Since most societies share these conditions, we may safely conclude that justice is a necessary social virtue and has great moral value.

Giving persons their due

But what is justice? The basic idea of justice is that 'each person gets what is properly due to him or her', that the benefits and burdens of society be distributed in a manner that gives each person his or her due. But this begs the question: what is meant by 'a person's due'? Here, a distinction must be made between hierarchical and egalitarian notions of justice. In hierarchical notions, what is due to a person is established by her or his place within a hierarchical system. For instance, by rank determined at birth. Certain groups are born privileged. Therefore, their members are entitled to a disproportionately large share of benefits, and a disproportionately small share of burdens. On this conception, justice requires that the benefits and burdens be unequally shared or distributed. To take just one example, in a society ridden with caste hierarchies, those born in high castes are entitled to a much greater share of wealth, power, cultural status and knowledge. Conversely, those born in 'low castes' get whatever is their proper due – very little, so-

metimes nothing.

This conception of justice has rarely remained unchallenged. Innumerable examples can be cited in Indian history, where aspects of this hierarchical notion had been temporarily opposed – in the early teachings of the Buddha, passages in Indian epics, Bhakti poetry, and protest movements such as Vaishnavism. In our own times, however, this challenge has become robust, explicit and sustained. This is so because of the prevalence of the idea that each person, regardless of caste, class, colour, creed or gender, has equal moral worth. All have an equal, ordinary capacity of endowing the world with meaning and value because of which they possess moral worth or dignity. If so, we need a different conception of justice, of sharing or distributing, of giving people their due that is consistent with equal dignity. In societies still infested with live hierarchies, people must first struggle for recognition as equals, for what might be called basic social justice. Then, they must decide how to share all social benefits and burdens among equal persons – the essence of egalitarian distributive justice.

Needs and Desert

Two main contenders exist for interpreting what is due to persons of equal moral worth. For the first need-based principle, what is due to a person is what she really needs, i.e., whatever is necessary for general human well-being. Since our basic needs are identical, justice requires their fulfillment in every single person. Beyond this basic threshold, our needs usually vary, and therefore justice further requires the fulfillment of different needs – say, the specific needs of a scholar, as well as the very different needs of a mountaineer.

Second, the principle of desert for which what is due to a person

is what he or she deserves, determined not by birth or tradition but by a person's own qualities, for instance 'natural' talent or productive effort. In short, though we start as equals, those who are talented or work hard should be rewarded with more benefits and be less burdened. Conversely, those contributing unequally to the creation of wealth or cultural assets, don't deserve the same benefits yielded by them. This underpins the idea of equal opportunity to all, albeit with justified inequalities of outcome.

Break the deafening silence

Most reasonable egalitarian conceptions of justice try to find a balance between need and desert. They try to ensure a distribution of goods and abilities (benefits) that satisfies everyone's needs, and a fair distribution of social burdens or sacrifices required for fulfilling them. After this, rewards are permissible to those who by virtue of natural gift, social learning and personal effort, deserve more.

Our society is afflicted by deep material, cultural and knowledge-related inequalities. Worse, these inequalities are growing by the day. Sometimes they are accompanied by blatant assertions of unequal moral worth, though today, a deafening silence on social and distributive justice is more common. It is therefore imperative to ask where we stand in relation to different forms of egalitarian justice mentioned in our Preamble. Alas, we are falling way short of standards of social and distributive justice. When will this trend be reversed? Putting justice back into public discourse should be our priority. Or else, the dreams of our nation will never turn into reality.

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