

Philosophical view of Social Justice in Ancient India

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Abstract :

Social justice is essentially a modern concept dealing with the philosophical discourse of the human population during their survival in a defined social system and environment which is widely used both in an ordinary language and social sciences. By synthesizing the common element of various philosophical treatments, it is possible to offer a general definition of social justice as a state of affair either in actual or indisputable ideological aspect in which benefits and burdens in a society are dispersed in accordance with some allocation of principles, procedures, norms, rules, rights, liberties, etc., for the entitlements of individual or group of human beings. In Indian context social justice stands for the very nature of mindset of people since ancient times bound by certain set of principles forming part of Indian culture defined with several factors like socio-cultural, economic, religious, philosophical phenomenon governed by rules and regulations which can be traced since Vedic period as a recurrent attitude of Indian population that justice and righteousness among them became reflections of microcosmic natural order but harmonious macrocosmic universe as it demonstrates three major appearances namely moral justice, social justice and legal justice, the second being a functional pattern of entire human society for attaining normative balance in a historical point of view as a general principle that makes Indian society unique through centuries of its well defined experiences in which religion and social structure were the major contributors in the manifest of social justice of each and every individual. The present paper discusses how the above-mentioned principle and nature of social justice in ancient India would explain in its broader sense of inner core and subject matter and also its place in view of an important parameter of Indian society, i.e., religion in defining its place.

Introduction:

Social justice is essentially a modern concept that deals with the philosophical discourse of human population for their inherent nature of expression during their survival in a defined social system and environment which is astray used widely in both ordinary language and social science, often without being clearly defined (Elster 1992; Franken 1962, Fienberg 1973, Miller 1999 and Walzer 1983). However, by synthesizing the common elements of various philosophical treatments, it is possible to offer a general definition of social justice as a state of

affairs which can be either actual or ideal in which benefits and burdens in a society are dispersed in accordance with some allocation of principles, procedures, norms, rules, rights, liberties, etc. for the entitlements of individual or group of human beings (John and Aarin 2010:1122-1165).

In Indian context social justice stand for the very nature of mind set of people since ancient times which is bound by certain set of principles borrowed traditionally as part of Indian culture defined with several factors like social, cultural, economic, religious, philosophical phenomenon governed by the rules and regulations to be followed by Indian society since ancient times through historical documentation of Hindu social order based mostly on economic hierarchies. It can be traced since Vedic period as a perennial attitude of Indian population that justice and righteousness among them became reflections of microcosmic natural order but harmonious macrocosmic universe. It has been an instinct and inherent structure and functional pattern in which men at their best willingly participate as their expression of a wider principle of nature and actions, hence demonstrates in three major appearances namely moral justice, social justice and legal justice. Each of this form viewed as a particularization of general principle among the masses which is seen as life form in the broadest to narrowest conception and in ancient Indian point of view it is inextricably bound up with a sense of economy. Human institutions of justice - the state, law, etc. - participate in this overall economy but the belief has remained strong in India through centuries as such remained as an ultimate and final arbiter of social justice.

Social justice as a functional pattern in which men and the entire human society attain its normative balance but in a historical view point each of these act as general principle which made Indian society to obtain an unique place through centuries of its well defined experiences since ancient times in which religion and social structure form the major contributors in the manifest of social justice of each and every individual. However, in the sense of social philosophy it emerged as a process of evolution in social norms, order, law and morality by laying emphasis in action and then created an intervention in the society by enforcing rules and regulations based on the principle of social equality. Therefore, the issue of social justice is associated with social equality and individual rights. In fact, the emergence of just man, just action and just state of affairs in society seem to be a manifestation of social accord. The present paper discusses how the above mentioned principle nature of social justice in ancient India would explain its broad sense of its inner core and subject matter as such and its place as an important parameter of Indian society, i.e., religion in defining it's place.

The Philosophical view of life:

Three eternal questions of human kind rise about the ultimate reality of justice that makes people to discuss through various religious traditions, for example Hinduism about the speculation of life that contained in four ancient books ‘ Vedas’ in which the essence of philosophy had been derived from the nature of work. When they observe the flowering of plants and trees as a regular cycle of seasons, sunrise and sunset, the cycle of life and death of all living beings, hence arrive at a conclusion that there is cosmic intelligence behind each of these processes. This very cosmic intelligence reveal itself in the form of natural laws that are applicable to every level of existence at least on earth and as a cosmic order it had been named as ‘Rita’ in Sanskrit, a cosmic principle that regulated the nature of voyage of planets to the motion of sub-atomic particles and further concluded that since human beings are part of cosmic plan, there must be moral order in the society corresponding to ‘Rita’ in a natural phenomenon which is a moral order that has another Sanskrit name ‘Dharma’. In an individual life the ethical and moral duties of social life represents just and equitable laws that control the evil and promote virtuous performances of life. Dharma is rather the idea of universal justice, involving responsibility in its widest sense to ensure growth and harmony of all that has ever come into existence on the earth.

Ancient Indian society observed that the principle of sacrifice, i.e., one thing giving rise to another, is the natural principle that maintains balance in the universe. For example, the sun sacrifices itself to give heat and light, water sacrifices to make clouds, clouds to make rains, rains to produce food grains, in order to feed humans and the other creatures indirectly. The humans must, therefore, sacrifice to keep the natural cycle going. This gave rise to an idea that individual duties and responsibilities must take precedence over the rights and privileges in a society. This thought further led to an ethical concept of three debts, four ashrams (stages), and four ends of human life, which together form the Hindu action plan for the just and equitable individual and social life.

In a religious-philosophical view point, there are three debts akin to three mortgages on one’s life in the sense of liability that one is born with and sponsor his life in order to bring awareness of one’s duties and responsibilities. The first debt is to God, which can be paid by prayer, worship and respect for religious feeling of all the people that venerate all forms of life, protection of environment as well as harmlessness to all creatures (according to Buddhism), whereas, the second debt being the fulfilment of one’s duties and responsibilities as a member of the Nation (may not be definitely known by Indians about nationality of India as a whole, if so, Indian history would have been different), community and society. According to certain scriptures, i.e., Tirukural (214.TW), ‘he who understands his duty to society truly lives and all others shall be counted among the dead’, as an important

element of individual's duty being adherence to moral, ethical, and positive law. The third debt is that parents, teachers, and ancestors, elevate one's family in accordance with the moral and ethical principles of one's tradition.

The Four Stages and Ends of Life:

In order to discharge his duties and responsibilities in life, the ancient sages designed life into four ashrams or stages into studentship, householder, retirement and renunciation. In the first stage its main goal being to acquire knowledge, build one's character, and learn to bear that will fall on individual during his/her adult life, which usually begin when a child enters school at an early age and continues till he/she finish all schooling, thus prepared to assume the responsibilities of the future. The second stage begins with marriage, in Hindu way of life, it is regarded as expiation and not a social contract but forms the foundation for the support of other two stages that follows and during this period it often reflects in the analogy just as all rivers flow into the sea, hence all stages flow into the householder stage. Once this stage gets completed, which include the children being reached adulthood and have assumed the responsibilities, an individual enters the retirement stage, known as the ascetic or hermit stage of life, in which one gradually withdraws from active life and begins to devote more time to the study of scriptures, thoughts, however, makes available in order to provide guidance and share experiences with the younger generation, when requested to do so. In the renunciation stage, an individual mentally renounces all worldly ties, spends all time in meditation, contemplation and ponders over the mysteries of life.

On the basis of principle and progressive evolution of an individual, the ancient Indian thinker have recognized four ends of human life, i.e., dharma (moral law), artha (wealth), kama (worthy desires) and moksha (spiritual perfection). However, the first one declares to be the foundation of remaining three ends and believed that the cornerstone of human life is character, the moral and ethical ability of an individual retort to external conditions. Of all the losses, the loss of character was declared as the highest loss and 'every fool may become a hero at one time or another, but the people of good character are the heroes all the time, says Swami Vivekananda. However, justice is a contemporary thought and goodness should be justifiable in action and in principle. There are six doctrines of thought and action known as 'six pillars of justice' that provides basis for an individual and in view of social conduct, in the case of Hindu tradition, which is known as Doctrines, i.e., Dharma, Karma, Ahimsa, Sahanshakti, Justice and Intuition.

Doctrines of Hindu Tradition:

The first doctrine 'Dharma', the purpose of life, states that every human being has a unique talent and unique way of expression, when an individual matches the need with his talent to serve humanity, hence nature creates unlimited abundance of wealth and happiness. It is the individual's duty and responsibility take precedence over one's rights and privileges, hence there is a major difference between ancient wisdom and modern social thought, the latter emphasizes rights and privileges over duties and responsibilities as a result rights which are oriented in a society as first and foremost individualistic character. It is a philosophical measurement of lives by which we acquire and known. Since it evaluates in terms of individual success, there is no commitment on the ground of rules in civic virtue. Every individual should strive hard but it should be for the common goodness of people in the society that makes to visualize the sense of right and wrong. Things like compassion, honesty, fairness and accountability help in the growth of an individual and, then society will be in harmony. The second is the Law of Karma, the personal accountability and the result of cause and effect, an essence and eternal law of justice that teaches the accountability of actions, therefore, depends on right choices. It is also the law of harmony and equilibrium, hence adjust the wisdom, intelligence and equitability to its cause. It encourages the work with good conscience as a best pillow. The third one, Doctrine of Ahimsa, the non-violence in thought, word and deed, and according to Hindu Dharma all forms of life are the manifestations of ultimate reality, the Brahman, therefore not be indifferent to sufferings of any of God's creatures. It advocates love among human kind as well as other forms of life, and encourages the protection of environment, according to Hindu tradition, the holiness of Mother Earth, ecological unity and interdependence of species. Everybody has the right to enjoy clean water and clean air and nobody has a right to degrade and destroy the environment, hence environmental justice is part and parcel of Hindu religious thought and social justice.

Whereas, the fourth one, the 'Doctrine of Sahanshakti' (Acceptance), advocates and exalts character, acceptance of other people's thoughts, beliefs and practices for the growth and harmony of human race. The Historical events in India tell us that the religious intolerance in the past has (and still does) caused so much precious blood and so many bitter shed of tears and Hindu scriptures declare that Truth is one, but paths are many. Hence, the doctrine of acceptance teaches how to live in the world of differences without feeling threatened by others, without forcing our will and views on others. The fifth, 'Doctrine of Justice', signifies two prime values of human life such as Liberty and Equality. However, too much of liberty can create inequality of conditions in the society and this would happen because of superior endowments or attainments of certain class of people who would beat the freedom of opportunity and harm the fellowmen in the race of life. But limitation on liberty and equality leads to insolvable conflicts but can be resolved by understanding and imposing maximized harmony through regulated justice, the supreme value, hence modest sovereignty has the power to resolve the conflict

between the extremes of liberty and equality. The last one, 'Doctrine of Intuition', needs the brain to conceive, heart to feel, and strong arms to do the work. In the event of a conflict between the brain and the heart, the Hindu tradition demands that one must follow the heart and to explain this in a best way and an example being the story of Yudhisthira, from Mahabharata, while Pandavas were in disguise to save his brothers from an angel who asked questions about the thinking of selfless human beings. The answers were based on the decision of Yudhisthira, the justice of the heart that brought all brothers back to life. Eventually Pandavas won the battle with Kauravas and regained their kingdom.

Challenges of Justice and its Right Oriented Philosophy:

In Hindu traditional point of view duties are emphasized for harmonious society, if not more, at least as much as the rights are. A peaceful society results not only from individuals' aggressiveness in exerting their rights but also from their willingness to fulfill their obligations to each other. This is especially true of realizations between the weak and the strong, the less and more talented, hence the classical Hindu view is that the more highly one is endowed, greater his responsibilities toward others. It is considered immoral for one to use his capacities for his own profit only but should be used in addition or primarily for others. 'Man becomes great exactly in the degree in which he works for the welfare of his fellow-man', as said by M.K.Gandhi, who strictly followed the Hindu Dharma. The illusion of rationality leads to view the reason as superior and a rational man is inevitably a virtuous man or a reasonable man. Ancient wisdom tells that the brain is more interested in self-preservation, which is more or less selfishness. It is the heart that looks for our connection to everything else in the universe and it is the heart that has an inherent sense of what is right and wrong and thereby expresses the sense of guilty and embarrassment when one does something wrong. Thus, the ancient sages tell us that whenever there is a conflict between the heart and the brain, one should follow the heart. The inner voice of the heart becomes more and more audible when one learns how to meditate and contemplate, the former strengthens the inner voice. Human life is a shallow one and philosophy of life alone can bring social justice and civic virtue among them.

Justice and Individual Morality:

The significance of individual life in ancient India begins with the earliest literature and becomes extremely prominent by the time of early Upanishads (c. 600 B.C.). An ultimate perfection of life, moksha or spiritual emancipation, is achieved only after the individual passes through a number of animal and human incarnations. The status of man is at its zenith of chain of existences insofar as opportunity for realization of final goal is concerned. The central ideal of classical Indian culture is both orthodox and heterodox forms which is definitely anthropocentric. A manifest individual is a temporary embodiment or apparent delimitation of

highest spiritual principle, which can be called jiva, nirvaana, aatman, brahman, purusa, etc. It is this principle which underlies universal life and burgeon forth in all variety of nature. Therefore, human life is not simply taken as a 'given' but is conceived as an opportunity to work towards, if not actually achieve, the ultimate teleological fruition. Most Indian philosophical and religious traditions conceive human status as relatively rare in overall context of myriads of life forms, hence accordingly exist. Self-responsibility of one's own position in society meant that the hierarchy of classes itself regarded as a reflection of Karmic justice. Social inequality is seen as equitable in the rights and duties of privileges and responsibilities of a particular class who envisage the levels of spiritual and moral development of its individual members (Datta 1936).

Justice in Society and State:

The tenets of classical Hinduism stress on one's position in social life according to Varna classification in ancient India denoting the results of past events. This institution is the well-known 'purusaartha-varnaasrama' Dharma system, in which an ideal life-program is drawn or record out in terms of goals to be achieved and progressive stages in life are to be pursued. The goals (Puru.saartha) are moral, ethical and social rectitude (Dharma), aesthetic and erotic gratification (Kaama). Material well-being and prosperity (Artha) and most important, spiritual liberation and self-realization (mok.sa). In order to fulfill each of these goals in a balanced and harmonious progress, the Hindu is advised to divide his life into four stages (aa`srama) of the student (brahmacarya), householder (g.rhastha), forest-dweller (vaanaprastha) and renunciate (sannyaasa). The pursuit of 'purusaarthas' is done through the asramas as it is slightly different according to considerations of var.na. Not only individual harmony but also the concept of social ethics and interpersonal justice revolve around the right of individuals and groups to advance within the teleological structure without interference from their fellows. The ideal society envisioned by Indian sages is the association in which individuals respect and help one another to work out their respective spiritual destiny. In effect, the Indian myths of this sort are created more for morally didactic purposes, than as theories in any scientific sense, but this itself serves to indicate a distinctive Indian approach to personal ethics and social justice. Both society and the state are seen in an attitude similar to that of Plato's Republic, as both natural and necessary developments informed by an underlying idea of justice (Basham 1959).

Justice and the Role of Law:

The ancient Indians were not only idealistic but also realists and pragmatists as they were fully aware of the fact that they correspond each other in the matter of justice and harmony, were spontaneous in the Krita Yuga. Therefore, the state performed its duty of protection of society and individuals through coercive enforcement of the standards of justice. The early codes of law, covering every aspect of life, are preserved in the voluminous 'Dharmasutras and Dharmasastra literature through the Maanavadharmasastras or Laws of Manu is the most well-

known. Accordingly, the traditional Indian kingship has been invested with danda, the 'scepter,' a symbol of power and authority of the state which rules inexorably by law and punishment. The practical necessity of da.n.da in the administration of justice in the Kali Yuga is considered a further outgrowth of ongoing degeneration of time which, as we have seen, was responsible for the institution of state in the first place, hence justice was not blind in ancient India. One of the chief duties of king is the maintenance and protection of varna system through his power of danda. The king obeyed because it is realized that varna and the state are necessary aids for the achievement of final goal of life. Curtail from the moral conception of universe and the truism of individual's destiny to self-realization, the ethical, social, state and legal distinctions of ancient Indians are firmly based on an ideal of equity and justice which is expressed in terms of natural hierarchy rather than of equality (Datta 1967: 271 and 275).

The two important ancient texts that gave significance and performance of the duty of a king in the protection of society and an individual through coercive enforcement of standards of justice based on the concept of 'Dharma', and the social norms of Indian society depends on the birth and duty, are the Manu's Manavadharmasastra and Kautilya's Arthashastra. From the Vedic period onward the perennial attitude of Indian culture had been justice and righteousness, as the true ethical code of a society and its cultural standards were inter-related. The cultural maturity and social amicability and even their deterioration were reflected in the law and order of Indian society. With this view in mind observations of Manu and Kautilya are found in their respective works and had been evaluated as both of them lived almost in the same period and who belonged to the same caste, Brahmana, hence it is very interesting to analyse their observations, especially on law and order and administration of justice (Buhler 1969:219). The relevance of their code of conduct is very much important. The exact period of Manu is not determined yet, but certain references related to Manu could be seen even in Vedic texts and in Mahabharata as well. It is generally accepted that Manu lived in between 2nd century B.C. and 2nd century A.D. and on the other hand the Arthashastra refers to respectful by the scholars of sixth century AD. It was assumed that the Arthashastra was composed nearly before the beginning of Christian era, which pointed the fact that Manusmriti and Arthashastra were composed almost in the same period, hence their observations on moral codes are relevant and thus to be analysed in detail. The analysis of the same would provide a clear awareness of socio-economic conditions prevailed at that time and also show its relevance. In the early Vedic times justice was administered by the tribe and clan assemblies whose judicial procedures were very simple but the extension of functions of the State and growth of royal powers, the King came gradually to be regarded as the fountain of justice and more or less an elaborate system of judicial administration, hence came into existence. It was pertinent to consider the judicial procedure as it prevailed in Ancient India. Justice was administered in accordance with legal rules which fell under one or other of following four heads: (a) Sacred Law (Dharma), (b) Secular Law (Vyavahara), (c) Custom (Charitra), and (d) Royal Commands (Raja-sasana). The "Sacred

Law,” said Kautilya, ‘was the embodiment of truth as the Secular Law depended upon evidence; Custom was decided by the opinion of ‘Varnashramadharma’ which are ends and obligations.

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