

RELATION BETWEEN LIBERTY, EQUALITY AND JUSTICE

Ernest Barker (*Principles of Social and Political Theory*; 1951) has shown that justice represents a synthesis of the principles of liberty, equality and fraternity. Justice is the thread which runs through all these values and makes them parts of an integrated whole. It reconciles their conflicts and contradictions and gives them the shape of universal principles of governance. Justice is the basic idea behind these values—we hold them in high esteem because they are manifestations of justice. Justice is the final goal to which all these values should conform.

Why do we demand that human relations in society should be governed by the principle of liberty? Why do we not leave them to the whims of individuals, to the free play of the natural forces of survival of the fittest, to the element of chance, or to irrational traditions and superstitions? Obviously, it is our sense of justice that

impels us to postulate that human relations in society should be regulated by 'reason'. Our sense of justice recognizes the dignity of the human being as such. It is the rational nature of man which clothes him with this dignity. It demands that each individual should be treated as an 'end-in-itself', not a means to an end. In this respect, all individuals should be treated as equal to each other. No individual can be treated as superior or inferior to another because of his birth in a particular region, race or religious sect, language, culture, sex, education or economic status. Irrespective of these differences, all individuals are potentially capable of acquiring excellence according to their capacities and making suitable contributions to the social good. They all need and deserve equal freedom of personal development in their own right so as to prove their worth to society. That was the idea behind the 'French Declaration of the Rights of Man and of the Citizen' (1789) which read: "Men are born and remain free and equal in rights. Social distinctions can be based only upon public utility."

Now the principle of liberty will not conform to the principle of justice until the benefit of liberty is equally extended to each individual in society. The idea of absolute liberty is a contradiction in terms. If liberty is defined as the 'absence of restraint', it cannot become a universal principle until it is qualified by the principle of equality. This postulates such restraints on liberty that liberty or freedom of one does not become a threat to another's equal and similar liberty. An unrestrained liberty of one or the chosen few will turn out to be the sentence of slavery for the rest of the community. Thus, an adherence to the principle of equality becomes necessary in order to resolve the inherent contradiction of absolute liberty. As Barker has elucidated:

The need of liberty for each is necessarily qualified and conditioned by the need of liberty for all; and the liberty of A will, therefore, be such liberty as he can enjoy concurrently with the enjoyment of similar and equal liberty by B and C and D . . . Because the liberty of each is, thus, relative to that of others, and has to be adjusted to that of others, it must always be regulated; and indeed it would not exist unless it were regulated. (*Principles of Social and Political Theory*; 1951)

On the same principle, any restraint on liberty can only be upheld when it is duly proved that it is imposed in the interests of justice and equality.

The principle of equality, again, is not the final principle of justice. Equality may be defined as the 'absence of discrimination'. In the legal or political sphere, this interpretation of equality will not present much difficulty. This could be interpreted as equality before the law, equal legal personality of each individual, equal voting rights—'one man, one vote' principle etc. But as we turn to the economic sphere, the mere 'absence of discrimination' may not meet the requirements of justice. When society is divided into different strata on the basis of private property and conventional sources of prestige and power—one class enjoying special privileges, the other being permanently in an underprivileged position—the cause of justice will not be served by treating them without discrimination. The principle of justice requires that the deprived and underprivileged sections should be

met on the basis of economic

given special protection in order to save them from the excesses of the dominant sections. Thus, if an ordinary man in his capacity as worker, consumer or tenant is open to exploitation by the employer, trader or landlord, the law should make reasonable discrimination in favour of the weaker party. It is just like extending the principle of brotherhood or fraternity to the regulation of human relations in society as a matter of right, not charity. The principle of fraternity involves resolving the contradiction of the principle of equality which would otherwise leave the individual at the mercy of the cruel market forces of demand and supply and competition; this would eliminate the weaker sections, not to speak of securing them equal dignity, opportunity or advantage. But any limitation of any section's right to equality can only be upheld when it is duly proved that it is a discrimination in favour of the weaker section in the interests of justice and fraternity.

Thus, in the final principle of justice, we seek to regulate human relations in society by the principle of liberty; but liberty is qualified by the principle of equality; and equality is further qualified by the principle of fraternity. The intention is that each individual gets a fair share in the advantages accruing from organized social life. Each individual gets a common civic minimum beyond which one's work is rewarded according to the value of the contribution made to public welfare. It must be ascertained that an unduly large share of wealth, prestige and power is not cornered by any privileged section or sections by dint of its money and manipulative power. The principle of justice postulates not merely formal liberty and equality, but a transformation of those social conditions which obstruct the enjoyment of freedom and equality by ordinary men and women.