

# Viability Of A Perfect Society: Reality Check And Applicability Of Ideas Of Gandhi, Rawls, And Mandela

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*"A map of the world that does not include Utopia is not worth even glancing at, for it leaves out the one country at which Humanity is always landing. And when Humanity lands there, it looks out, and seeing a better country, sets sail. Progress is the realization of Utopia."*

Oscar Wilde

## Abstract

The paper, as its title suggests, aims to assess the viability of a society which is a perfect embodiment of social, political, economic principles which is what Gandhi, Rawls, and Mandela were hoping to achieve. The paper bases this assessment on two parameters, viz., reality check and applicability. Under reality check, the paper examines the problems that each of them had, confronting them with reality check about the vision they espoused. Under applicability, the paper investigates the practical problems facing them at the ground level in applicability of their championed causes which would have resulted in an ideal society. The conclusion tries to find an answer to the question if such a society is viable.

**Keywords:** Ahimsa, Satyagraha, Savinaya Avagya, swaraj, ramrajya, economic decentralization, Varnashrama, utilitarianism, Difference principle, Original Position, Veil of ignorance, least advantaged, apartheid, deterrent justice, compensatory justice, rehabilitative justice, sarvodaya

## Introduction

The concept of justice in its trinity: social, political, and economic, as envisaged by Gandhi, Mandela, and Rawls against the respective backdrops of colonial India, racist South Africa and capitalist America, is always worth a study. The interest in the concept of justice as displayed by these stalwarts of philosophy shall be the guiding light following which the world can make an endeavor to strive for truth. D. D. Raphael qualifies moral philosophy as having three main areas of discussions, the first of which pertains to meaning of moral concepts, the second to the standards used or recommended for use, and the third to consistency of moral thinking with other related concepts.<sup>1</sup> No matter how much we criticize the theories of Gandhi, Rawls and Mandela, we must give them their due credit and as per the definition mentioned above, acknowledge them as moral philosophies.

Even though the concept of justice seems to vary with difference in timeframes and socio-economic backgrounds, catholicity of mind cannot deny the sameness of the basic principles applied to derive the basic concept each time. Gandhi, Rawls, and Mandela have espoused these principles in their thoughts, ideas, philosophies, and actions, and have therefore gained prominent places not only in their respective countries, but also in the entire world. The history of mankind, from the days of Plato, Aristotle and up to Rawls and beyond has been and will be the study of rights and justice.

## Reality check

Elaborating the relation between theory and practice, Encyclopedia Encarta says that "The specific ideas of political scientists are only occasionally implemented by policy makers. Political scientists usually influence the world in more indirect ways: by educating citizens and political leaders, by contributing to debates on political issues, and by encouraging different ways of looking at the world. The study of political science is motivated by the need to understand the sources and consequences of political stability and revolution, of repression and liberty, of equality and inequality, of war and peace, of democracy and dictatorship."<sup>2</sup>

The lofty ideals leading to picture-perfect societies sketched with dreams and painted with the brush of morality bring to mind the phrase 'Easier said than done', since it is easy to profess but difficult to incorporate them in real life situations. At times, owing to the strength of character, it is still possible for some people to maintain a level of morality in their lives. However, to expect the same of a society in which each of its citizens lives up to the prescribed moral code may be difficult to achieve. Gandhi, Rawls and Mandela have the best intentions in conjuring up visions of the best possible social set-ups, but they nevertheless had to face criticisms from various corners which challenged their vision. This section weighs their principles at the level of reality.

## The idealist Gandhi

He added the brilliance and the human touch to the one of the fiercest struggles for the right of a nation; and of almost one-fifth of the entire humanity, which was subservient to the colonial ideology and a victim of exploitation for almost over three centuries. The struggle saw the upsurge of an ideological statecraft, the strength of which was hitherto unknown to the world. The fight for political independence became a mode for overall upliftment of the national socio-economic fabric. The struggle

gave masses implements like *Ahimsa*, *Satyagraha*, *Savinaya Avagya*, and through these Gandhi strove to bring *Swaraj* as well as *Ramrajya*. Gandhi's aim of achieving political and economic decentralization and autonomy starting from villages is fraught with practical problems. Economic and/or political imbalances in independent communities cannot be corrected in the absence of a centralized system. Besides, there is no guarantee that in the absence of state control, things will always run smoothly.

However, if we look at the latest scenario in the country after six decades of independence and after nearly sixty years of the death of the Mahatma, the question arises, do we see a nation that he would have been proud of? Notwithstanding the fact the greatest warrior of non-violence was killed in the most gruesome act of violence, we have become a nation strewn with most dastardly acts of terrorism. Starting from the state of Jammu and Kashmir to the Northeastern states of Assam, Tripura, and Nagaland, we have witnessed centrifugal tendencies among states to dissociate with the center, and to accomplish the same, various groups have resorted to violence and are killing the innocent masses. The national politics of late has become a list of gory incidents dotting the map of the country with a reasonably high frequency. People are willing to abandon truth for slightest profits and take up arms on the flimsiest motives.

The virtue of tolerance and mutual respect for all religions has turned into hatred towards other religions. The majority and the minority communities have developed a sense of insecurity and insensitivity. The virtues taught by religions have been relegated to such a place from where their becoming the foci of the civilization seems unlikely in the near future. Religious sentiments that led to the communal riots in the 1940s have led to successive riots in many of the places in India and had a negative effect on the social foundation of the nation as a whole. The *Varnashrama* idea has been badly misinterpreted by the society and has led to the disastrous consequences of dividing the race and religion infested society even further. The amalgamation of the *Harijans* into the mainstream has still not reached the level for which Gandhi committed his major part of ideology.

The great generation of statesmen who fought and sacrificed for the nation seems a rare commodity in the parliament boasting of the biggest democracy of the world. It would indeed be a hard task to find such a political party that places all candidates having unblemished records in an election. This has gone to such an extent that we had the Prime Minister being summoned to appear on charges of corruption, Chief Ministers being convicted by trial courts for murder and abduction, Parliamentarians being exposed for taking money for raising issues in the Parliament, MLAs trying to kill a woman in public for having written a book and standing by her beliefs, general elections being fought on the bases of religion, caste and parochial issues. The nation has witnessed the degeneration of the political overlords at the seat of democracy throwing objects at each other and rushing to the well of the house to quell any voice that does not suit their agenda, in the most undemocratic manner. It is not that they fail to remember Gandhi or his ideals, but they remember him only to periodically cherish the sacrifices that he made, and they only do it either on occasions of national importance or to accomplish their objective.

Emancipation of women was a cause that was very dear to Gandhi. Despite allegations of being regressive on some of the issues related to women, he was way ahead of contemporary thinkers in restoring the pride and prestige of the women folk, not only within the families but also in the social scheme of things. Instead of overcoming the problem, we have an increasing array of crimes against women that includes domestic violence against women, bride burning for dowry, skewed demographic sex-ratio to the disadvantage of women, female feticide and infanticide, cases of girl-children dropping out from the schools, etc. We as a nation, not only find it hard to accept in front of the global community, but also know within our hearts that almost half the entire population, which holds the family together, continues to be the most disadvantaged lot. Till the situation remains grim on these fronts, the nation can hardly claim any laurels and take credit for justice being done in any other field. It is sheer denial of justice to half the population. To quote Amartya Sen, "With India's female-male ratio of 0.93, there is a relative deficit of women of 9% of the Indian male population.... This already yields a figure of 37 million missing women in India in 1986."<sup>3</sup>

The industrialization in India coupled with the force of globalization has witnessed an exodus of people towards cities and widened the gulf between the rich and the poor. The capitalist class, which was conceptualized by Gandhi to be the trustee of the interests of the poor, has disowned them. Consequent to the opening of the economy, the industrialists have busied themselves with global acquisitions, abdicating their role as trustees. The concept of 'bread labor' was never a reality and Gandhi has been criticized for proposing that right to vote be tied to performance of bread labor. Gandhi has been labeled naïve for believing that people would be willing to pay more for locally made but poor-quality goods for the sake of keeping alive the *swadeshi* spirit.

A shift in the education pattern has taken a turn towards the international exposure. People flock to the Western world not only for education in the technical fields but also in the general subjects. There is depletion in the national resources due to brain drain, which further prompts poor commitment to education. The *Nai Taleem* envisaged by Gandhi has not seen the light of the day in independent India and manual labour has lost its relevance in education.

Gandhi's vision was difficult for everyone to perceive and demanded a lot of self-restraint and discipline. Gandhi himself adhered strictly to the prescribed regimen and hoped that others would do too. He had absolute faith in its ability to achieve moral end and lose the tag of being a mere ideology *san* practical value. After considering and analyzing the concept of an ideology, Dhaneshwar Sahoo feels that "though the Gandhian programme obviously can be categorized as ideological it is not based on false consciousness. Gandhi's mission for an ideal society and his operational method for it may or may not be practically possible, but its moral basis cannot be questioned."<sup>4</sup> Thus we see that overall, a lot needs to be achieved on the issues that were very dear to Gandhi and though the picture overall may appear overcast, sunshine is definitely not that far away.

### The theoretician Rawls

The theory of justice as propounded by Rawls was always looked at with the apprehension of being unimplementable and difficult for the masses to comprehend. The leftists always felt that advocacy of inequalities even if arranged to benefit the least advantaged was not proper in a just social order. They suspected that the intervention of the state to ensure a fair play was a camouflage used by the liberal society to ensure inequitable distribution of wealth and property.

Rawls believed that society should work towards securing happiness not for the greatest number but for the lowest in the society. Even though Rawls claims that his philosophy is a critique of Utilitarianism, he has been accused of promoting utilitarian motives in a way through the Difference Principle, which demands sacrifices from the better-off as well as the worse-off. Maureen Ramsay says the principle does the balancing by ensuring that the better-off with more resources as incentives would later receive less and pay more, whereas the worst-off who have accepted inequalities if it would benefit them, would be satisfied with a system which does not justify inequalities working in one direction only.<sup>5</sup> Even Rawls' Maximin strategy has been considered a rational reconstruction of prudence but not of justice, where ethics is reduced to a practical combination of self-interest and uncertainty.

Even though Rawls himself ascribes the adjective 'hypothetical' to the concept of 'original position', there are serious problems with the assumptions he makes about people. He presumes men to be rational and basically interested in maximizing their interests. However, his assertion is quite falsifiable in cases of nuns, hermits, yogis and the like who are rational but not interested in maximizing their personal interests, rather have no interests of their own to pursue. Communitarians criticize Rawls for creating via the original person, the concept of a 'radically disembodied subject' and it is difficult to perceive that such a 'stripped down' person would be capable of making choices relevant to actual existing people.

Further, Rawls claims that we can obtain justice through a pure procedure where no independent criterion is applied to for the right outcome. Instead, he believes, that we should concentrate on arriving at a correct, fair procedure, which, whenever properly adhered to in application, would always yield correct or fair outcome. Ramsay doubts it and says that, "However, following a fair procedure is in itself not enough to show that the outcome will be just. Now, it may show that it is fair according to that procedure, but it does not follow that the outcome is just."<sup>6</sup> An example at random would be that of gambling, where a person may have won a lottery according to the rules, but a lot of us, applying our independent criteria to judge, would still feel that it was not fair.

The 'veil of ignorance' of Rawls theory has had severe criticism on two fronts: primary from the critique of the contractual theorists and secondly on the nature of the contract as well. It was thought that the rational decision-making by the group of the people to draw a contract after removing their biases and prejudices was impractical. Rawls logically thought that *sans* the information about their own beliefs, position and strata in the society, the group would be able to readily accept a position even if it be imposed on them by their enemy, simply on the basis that the enemy would also be unaware of his position. He also wanted the judiciousness to be infused in the people by keeping them in the blind alley and that was to be the methodology for selecting the principles for a just social order. While arriving at his concept of 'veil of ignorance', Rawls overlooked the fact that people are conditioned differently in different culture, and the idea of abstracting oneself from one's situatedness is alien to many civilizations and would be resisted.

It is further not understood as to how and who would judiciously decide as to which persons in the groups qualify as the least advantaged. The definition of 'the least advantaged' changes according to the different contexts and varying historical perspectives from which nations and societies are seen. To quote a few examples the females in most of the societies were subjugated to the dominance of their male counterparts and have had a raw deal, whereas the prisoners of war or prisoners of conscience in many of the societies have been disadvantaged as far as the political and economic liberties are concerned. The nations that are colonies are far more disadvantaged than those whose right to self-determination is unquestioned. The poor and the rich, the able and the challenged, the homeless juvenile delinquent and the moneyed lads, are some of the instances from the myriad available. I would be at a loss to know as to who is the least disadvantaged between a 'white poor' and a 'rich black' in apartheid political system. This is a dilemma which Nelson Mandela faced in South Africa. In the Indian context, we cannot decide whether the population facing the crisis of water or those who are displaced without adequate compensation because of the dam being built under the *Sardar Sarovar* project is more disadvantaged. These dilemmas would not be easy to resolve.

Oversimplifying the human nature into watertight compartments of political, social and economic concerns for the purpose of ascertaining the priority of the liberties is not shorn of the obvious pitfalls. Further, reliance on the sameness of interests among men, and not on the principles and ideals presupposes a social order where people would exhibit their preference for liberty and not for the worldly goods.

The basic inequalities in the society further the existing inequitable distribution of wealth and increase the chasm between the rich and the poor in geometric progression. This is not only true of the nations which are developed, developing and under-developed, but also between the masses of the two classes in any type of nation, whether developed or developing. The problems in the implementation of the theory of justice as propounded by Rawls, nevertheless, cannot be undermined by the underlying problems of implementation. The nations should in some way or the other, try to decrease the inequitable distribution, and bring home distributive justice to the masses.

### The hands-on Mandela

What sets Mandela apart from Gandhi is that while the former practiced the theories and brought a strategic aspect into his struggle, the latter was an accomplished person, a theoretician as well as a freedom fighter. Whereas Gandhi espoused the cause of freedom and justice at the same time and was not ready to compromise on the means used for the noble end, Mandela fought for justice and ending apartheid with any means suited for the struggle. Mandela had a vision like 'the dream' of Martin

Luther King Jr., but his orchestration of the events in South Africa had no correlation to the classical theories. His views were limited to ending the oppressive system, whereas Gandhi's views and concept had relevance for the entire civilization.

The biggest challenge that South Africa faced after the release of Mandela from the Robben Island, was the acts of gruesome violence, known as 'black-on-black' violence, committed by the *Inkatha (Mongosuthu Buthelezi)* on the ANC supporters. The apartheid that Mandela was dead against had raised its head in a different form; the specter of violence loomed large and negotiations between the warring factions had almost reached a bottleneck from where no solution could be arrived at. The dream of a just society and blacks being free of prejudices was still there albeit in a different form at the internal level.

Mandela, of course, has been criticized endlessly for endorsing the use of violence in his freedom struggle. He has justified his stand then taken by saying that even Gandhi said taking up arms is preferable to cowardice. In the conditions of extreme oppression that were enforced upon them by the system that stripped them of all human rights, dignity and existence; it became a moral duty to take up arms against it. He revised his view during his life-changing experience in the jail from which he came out an altered man who declared futility of violence and said, "In a world driven by violence and strife, Gandhi's message of peace and non-violence holds the key to human survival in the 21<sup>st</sup> century."<sup>7</sup>

On having elected a non-racial government with a 63% majority, the actual challenge in the post-apartheid South Africa was providing a better life to the citizens, of which the main crux was food, shelter, clothing, health, education, infrastructure, etc. The society that was torn apart by racist regime and internecine tribal violence and undercurrent of political hostilities had to be reconstructed in a manner that none felt alienated. The inequalities that existed had to be replaced by equitable distribution and a just economic order.

The challenges in the independent South Africa were ensuring justice in its various other dimensions, which were categorized by Professor Charles Villa-Vicencio, who served as the South African Truth Commission's Director of Research, as follows:

1. Deterrent Justice: seeks to dissuade future perpetrators
2. Compensatory Justice: beneficiaries of old order to have share in present day restitution measures
3. Rehabilitative Justice: attempts to remedy maimed temperaments and or personalities of victims as well as perpetrators
4. Justice as affirmation of human dignity: equal dignity of all
5. Justice as exoneration: Rectifies the records to those who were falsely accused of being terrorists or spies.<sup>8</sup>

After the elections, the South African government made efforts to realize the dreams of delivering justice to the masses, who were highly marginalized in the previous set-up and no say in the system. In fact, Nelson Mandela remembers the first elections as the first occasion when he went to vote. Indeed, the political justice had been delivered to the people in the form of the universal adult suffrage. However, so far as the issue of making the economic justice a reality and bringing the basic amenities to the level of the people and removing the scars of the racism and violence between the warring factions of blacks is concerned, milestones still need to be achieved. The efforts applied by the responsive elected government are taking the nation in the right direction. Following the principles and vision they would soon reach such indices of development that would be coterminous with that of developed nations.

### **Viability of ideas at the level of application**

Though there have been obvious doubts and questions about the achievability of the ideal visions of Gandhi, Rawls, and Mandela, they do not need to defend themselves as their achievements speak for them. Let us examine those ideals of these thinkers that have been immortalized by being recognized as legislations or prescribed as directions by acknowledged national and international authorities. This by itself puts an end to any questions about their applicability. It is evident that the ideas of Gandhi, Rawls, and Mandela, despite having faced the most severe criticisms and having the capacity for application doubted for a very long time, envisioned a set of rules with intended moral consequences. Their dreams and ideas proved the respective case for each of them by showing their worth as being applicable in the real world.

### **Gandhi**

Gandhi was a revolutionary in rejecting the generally accepted definition of economic progress since he saw in it the insatiable consumption, haphazard production and alienated existence of man as was rampant in the West. He saw the futility of such existence and therefore suggested a vision based on greater humanism and higher morality. The allegations of Gandhi being far removed from reality are pointless. In fact, he was a realist and he saw things as they were. That is why he felt the need to improve them. Lester Pearson puts the expectations that *Sarvodaya* has from a man in these words: "The true realist is the man who sees things both as they are and as they can be. In every situation, there is possibility of improvement in every life, the hidden capacity for something better. True realism involves a dual vision, both sight and insight."<sup>9</sup> His description aptly applies to Gandhi. In the independent India, attempts have been made to realize the Gandhian dreams of the nation and society and till the date the different governments irrespective of the political lineage and ideology have made attempts towards achievement of such objectives.

On the front of just social order, the law laid out in the Indian Constitution, from which all the authorities and legislation draw their authority, has abolished untouchability and inserted it in the chapter of Fundamental Rights (Part III) Article 17, and made the practice and preaching of untouchability a penal offence. Further its inclusion in the Part III has made it justiciable and any person or aggrieved party can thus approach the Supreme Court (Article 32) and High Courts (Article 226) and get the courts to issue appropriate writs.

Various legislations like Dowry Prohibition Act, Section 304B of IPC, Factories Act, have ensured adequate safety and remuneration to women, and Articles 23-25 of the Indian Constitution ensure protection of women against exploitation. Supreme Court judgments like the one in *Vishaka* Case have ensured protection to women against sexual harassment at workplaces. The National Commission for Women and the National Human Rights Commission have taken concrete steps to protect women from all kinds of violence, including domestic, and crimes. The *panchayats* have ensured women's



participation in the political process at the grass root level. The status of women in the independent India can easily be assessed by the fact that the nation had its first woman Prime Minister in 1970s, and quite a few of the states have had women Chief Ministers for a considerable period. In the year 2007, for the first time, India elected a woman as its president, the highest political and executive position in India. The leader of the biggest political party in the country is also a woman. This goes on to show that the women are a force to reckon with in the free democratic India.

Political justice is ensured by creating machinery like the Election Commission, which ensures that elections are free, fair, and impartial, and further by making this office constitutional. The Representation of People's Act ensures proper participation of people in the democratic process. Legislations like Right to Information Act have ensured that information, which is the most important implement in the hands of the people, is readily made available to them as a matter of right within a definite timeframe.

The realization of Gandhian ideals on socialism was taken to the level of legislation by Dr. Ram Manohar Lohia, with a view to decontrol and decentralize wealth and authority from the hands of the industrialists by the creation of trusts, which would have representatives from both, the management, and the workers. This bill was known as Indian Trusteeship Act 1967. The workers' participation in management was also mentioned as one of the Directive Principles of State Policy in Part IV of the Indian Constitution. What is popularly perceived as utopia is basically a direction in which the state should endeavor to proceed. In fact, the Right to Property, though initially mentioned as a Fundamental Right in part III of the Indian Constitution, has also not been held to be justiciable. Subsequent court orders and amendments to the Constitution have upheld the noble goals of socialism against the right to private ownership of property. The extent to which the state of Indian economy or the equitable distribution of wealth was perceived by Gandhi is yet to blossom in its entirety. However, the incorporation of his ideals and doctrines in the policy documents and the endeavor to make them into laws are indications of the will of the people and their commitment to the realizable aspect of the egalitarian utopia. The Planning Commission in the Second Five Year Plan remarked that, 'a socialistic society is not built up solely on monetary incentives but on ideas of service to society.' Gandhi's strongest point is the ease with which he handled multiple issues of various types. Madhuri Wadhwa thinks of Gandhi as being "a practical idealist which he was, he understood for himself the responsibility of translating his life philosophy into action."<sup>10</sup>

The biggest and the oldest political party has its commitment to the Gandhian ideals charted out and mentions the programmes and principles of governance in its election manifesto as *Samajik Sadbhavna* (social cohesion and harmony), *Yuva Rozgar* (accelerate growth of productive and secure employment opportunities to ensure each family a viable livelihood), *Grameen Vikas* (improve the income of farmers and labourers across the country), *Arthik Navotthan* (unleash creative energies of professionals and entrepreneurs), *Mahila Sashaktikaran* (political empowerment and full educational, economic and legal equality of women) and *Saman Avasar* (provide for equality of opportunities for *dalits*, *adivasis*, OBCs, and religious and linguistic minorities). The commitment of several governments including the alliance government which represents various political parties formed after the elections, have reaffirmed their commitment to these principles of governance. This is indeed a great tribute to Gandhian concept of justice. Of course, it would be unfair to say that Gandhi did not realize the problem in fully translating his ideal into reality. J. Bandopadhyaya remarks, "Gandhi is fully conscious of the fact ultimate values cannot be realized into practice, and this applies as much to the synthetic ideal of justice as its components, viz. Non-violence, Freedom and Equality..."<sup>11</sup>

## Rawls

In propounding a comprehensive and universal theory of justice based on first principles, Rawls was bravely attempting a project of unprecedented scope and proportions. Despite espousing such high values that were practically unattainable, Rawls rests his case for Justice as Fairness on practical considerations. He says that his aim is to arrive at a political conception that would be "practical, and not metaphysical or epistemological. That is, it presents itself not as a conception of justice that is true, but one that can serve as the basis of informed and willing political agreement between citizens viewed as free and equal persons."<sup>12</sup>

Among the considerations that Rawls has declared essential for any principle of justice is that of its being practical. Bhikhu Parekh requires Rawls' of his principles of justice that "must be 'workable' or 'practicable' in at least two senses. First, they should not encourage those human propensities and aspirations which a social order may have to disappoint, or even repress, in order to survive. And, second, men should be able to live up to them in 'all relevant and foreseeable circumstances'."<sup>13</sup>

The applicability of Rawlsian ideals is well reflected by similar provisions that were made in the Universal Declaration of Human Rights (UDHR), which is intended to be global in scope.

- i. Just as Rawls believes that certain rights are essentially attached to us by virtue of our being humans, irrespective of the difference in the countries of our birth or the ideologies they subscribe to; similarly reflected is UDHR spirit of universal ascription, implementation, and maintenance of human rights, which is not to be limited by national borders. It says that 'Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.' (UDHR – Article 28).
- ii. The basic liberties granted by the principles of justice of Rawls extensively overlap with the liberties enumerated in the Articles 3-5, 12, 13 and 25 of UDHR. Article 3 provides 'the right to life, liberty and security of the person'. Article 4 forbids 'slavery and the slave trade'. Article 12 which safeguards a person's right to privacy, is extended to cover a person from attacks on his honor and reputation. Honor and reputation, which can be subsumed under Rawlsian social primary good of 'self-respect', are thus protected by Article 12.
- iii. Apart from the provisions mentioned above, protection of elementary right to subsistence, which Rawls has vociferously advocated for as the welfare rights of least advantaged and basic minimum for everyone, is covered under Article 25 which

says, 'Everyone has a right to a standard of living adequate for health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of ...lack of livelihood in circumstances beyond his control.' (Article 25.1, UDHR).

- iv. Articles 5, 20.1, 25.1, 26.1 and 27.1 of UDHR which collectively provide for prevention against cruel and inhuman treatment, right to freedom of association, free participation in the cultural life of their community, minimal health care and education have their parallels in Rawls' provision for liberties.
- v. Just as Rawls thinks that once the first principle of justice has been established, the second can apply whereby social and inequalities are permitted, provided everyone has a share in the benefits and the overall arrangement works for the betterment of the society. Similarly, there is no limitation imposed by any international instrument on social and economic inequalities to protect the worth of political liberties, so long as all enjoy a share in wealth and economic growth of society. Article 22 of UDHR says, 'Everyone, as a member of society, ...is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and free development of his personality.' (Article 22).

The parallels between Rawls' principles of justice and UDHR go on to show that the values he proposed are applicable in real life, as has been shown by their presence in UDHR. They are also present in fragments in many other Constitutions and legislations and are being observed as practical moralities.

The might of the powerful nations has given rise to different notions of justice whereby exploitation seems to have become the order of the day. They want that the inequalities should be arranged in such a manner that the advantaged nations are further favored. The notions of ethics and morality are increasingly threatened by the fear of being relegated to the points of no return. Therefore, the issue is no more that of ethics and morality but of the status that the liberal thinkers have accorded to the laudable concepts of rights, liberty, equality, justice, fraternity. These concepts have found their due place as laws of the land, but in practice they need to be nurtured carefully so that they grow from saplings into huge trees. They need to become reality and gain their place of pride in the hearts of humanity. Rawls has made a heroic attempt to infuse some ideals, unachievable though they might seem, in this world where human rights are mostly recognized post their violations.

Despite these considerations, the Western world respected the Magna Carta, the UN Declaration of Human Rights 1948, and UN Covenants on Civil and Political Rights 1966 and many other similar documents like these which the milestones of the road traveled by humanity. I have no doubt that *A Theory of Justice* has been a lighthouse that has shown the correct path to mankind and therefore deserves its place alongside these efforts that were aimed at saving the mankind.

## **Mandela**

Post-apartheid South Africa owes a lot to the sacrifices made by Nelson Mandela and to his vision of a regime characterized by the equal and just social order. Thus, since elections, the government has made efforts to have a socio-economic order, which is not only responsive to people at large, but also welfare oriented as a matter of policy.

The results of the South African government's efforts are exhibited in the following figures. The potable clean water is accessible to almost 85% population (2001) as against 80% (1996), electricity for lighting was made available to 69.7% households (2001) as against 57.6% (1996), formal housing is available to 63.8% (2001) as against 57.5% (1996), sanitation facilities are available to 51.9% (2001) as against 50.5% (1996), people with access to electricity rose in 2003 to 70% from 32% in 1994 (more than doubled), skewed teacher-pupil ratio from 1:43 (1996) improved to 1: 38 in 2003 and students who completed schooling up to class 12<sup>th</sup> rose from 16.3% (1996) to 20.4% (2001). For a government that had to inherit the baggage of a system that never was responsive to the population, in fact it was anti majority, these records are not dismal achievements. This vision of equitable distribution in the country whose annual GDP growth rate from 1996 to 2004 has been 3.1% is still not realized as would have been envisaged by Mandela. Last but not the least; the greatest challenge is still the health sector, where a large part of population is suffering from HIV infection. Almost 20% of the population between 15 to 49 years is infected with the HIV.

The right to adequate health care has been enshrined in the South African Constitution, but the provision represents a major challenge. Private health facilities can meet the demands of those who can afford to pay, although the cost of hospitalization, treatment, and medical aid subscriptions is soaring. For the majority who cannot afford to pay, current government plans to put in place a primary health care system that provides a comprehensive package of health-care services. Payment for treatment in provincial hospitals is based on a patient's financial means. A proposed national health insurance program is being developed for the first time. Since 1994 free health treatment has been available to children under six years old and some mothers before and after birth.

These statistics reveal the efforts made by the government towards achieving a happy society that attempts to translate even the vague theories of justice into reality by igniting the aspirations of the citizens. The challenge for the South African freedom struggle has been put by Kader Asmal as "In the longer term, if the inequalities are not reduced, the threat to South Africa could come not from right-wing violence but from a restless and alienated populace whose dream of a better future has receded."<sup>14</sup> The achievement of freedom from the apartheid set up is not the last achievement for the masses; in fact, this is exactly where the real fight begins.

During the apartheid period the South African government championed the capitalist system. Although its economic policies were in many respects interventionist, its racial policies comprised of fundamental elements of capitalism such as the free movement of labor. International sanctions imposed because of the government's apartheid policies were increasingly damaging in the late 1980s but ended in the early 1990s as the apartheid era ended. The majority party in government, the African National Congress (ANC), came to power in alliance with the trade unions and the Communist Party, leading to fears that it would pursue socialist policies. In practice, its economic policies have been geared to maximizing economic growth and attracting foreign investment. In 2002 total exports were worth \$23.1 billion and imports \$26.2 billion. Gold typically accounts

for a quarter of total exports, other minerals an additional 30 percent, manufactured goods about 37 percent, and agriculture and fisheries the remainder. The major non-gold exports were iron and steel, coal, chemicals, pulp and paper, and food products. South Africa is a net exporter of farm products, especially maize, sugar, fruit, vegetables, and wine, but the country experiences substantial variations in production because of recurring draughts. Imports consist mainly of machinery and equipment, motor vehicle parts, chemicals, crude oil, clothing, and textiles.

The new constitution gave considerable powers to the country's nine provinces, a provision strongly sought by the National Party and by the *Inkatha* Freedom Party in *KwaZulu-Natal*. The African National Congress successfully resisted a fully federal Constitution, however, securing the inclusion of broad clauses that allowed the central government to override the provinces. The Constitution also includes a Bill of Rights, which is regarded as one of the most liberal in the world. Even before entering the government, ANC had appointed commissions to investigate its own conduct.

Under the given circumstances, establishing values like justice, liberty and rights in a society was indeed a daunting yet achievable task. Mandela has been able to successfully steer his nation through the transition period while presiding over the value of justice. Kader Asmal admires Mandela because "Many women and men in governments all over the world have faced challenges of ensuring justice during transitional eras, as countries turned away from repression. But nobody has managed a political transition as successfully as has Mandela, while also emerging with his halo, as it were, intact."<sup>15</sup> Mandela's efforts were directed towards making his nation, bruised and battered from apartheid, rise from its past like the legendary phoenix had risen from the ashes, and deliver the humanity of the country bitten by the racial bug.

## Conclusion

The true essence of the ideas of Gandhi, Rawls and Mandela lies in the emancipation of those who are downtrodden or have been discriminated against or have been disadvantaged. These thinkers are not armchair philosophers or persons interested in creating names for themselves. If maladies like poverty, discrimination, etc. exist, people like them, who are large-hearted enough to rise above their individual needs and interests, would keep coming up to encompass the cause of the people as their own, and fight for their rights.

The concept of justice, thus, includes the concept of welfare. The principal problems in the administration of welfare are: determining the desirable level of provision of services, ensuring that the system of personal benefits and contributions meet the needs of individuals and families while at the same time offering sufficient incentives for productive work, ensuring efficiency in the operation of state monopolies and bureaucracies, and monitoring the equitable provision of resources to finance the services over and above the contributions of direct beneficiaries.

The Fundamental Rights and Directive Principles of State Policy in the Indian Constitution, the Bill of Rights in the South African and the US Constitutions have been and shall be the most revered documents and the concept of justice in all its ramifications: social, economic, and political, shall be the core issue which the civilizations will live for and die for. We must remember that just because ideals are difficult to achieve, we should not give them up altogether. We must continue to strive after them and make sincere efforts to realize them. As Fox said, "Gandhi therefore never rose above his times, ... His new dream of a "nowhere" India was opposite to the present, not beyond it. Utopia bounces off, it does not rise above, the current ideological constitution of society."<sup>16</sup> Thus, we see that Gandhi, Rawls and Mandela were headed in the same direction of realizing a just society which has been described by S. P. Srivastava as the one which strives for the good life of its members and for equality that corresponds to the welfare ideals. The target of the principle of common good is not individuals or groups, but the whole society.<sup>17</sup>

Despite there being practical difficulties, the pursuit of common good was the utopian vision, if we choose to call it so, and the single most important ambition that was desired by Gandhi, Rawls and Mandela. Willard Mullins defines ideology as a "logically coherent system of symbols which, within a more or less sophisticated conception of history, links the cognitive and evaluative perception of one's social condition - especially its prospect for the future - to a program of collective action for the maintenance, alteration or transformation of society."<sup>18</sup> The theories of Gandhi, Rawls and Mandela bear a connection to history, take the existing social conditions into account and prescribe social actions with endless possibilities for a better future. Therefore, the visions of Gandhi, Rawls and Mandela were surely idealistic, but they were definitely not utopian.

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