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**JUSTICE : THEORY & PRACTICE
IN MODERN SOCIETY**

by

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P R O L O G U E

Living, as we are, in a world that seldom knew a period of universal peace, and facing, as it were, destruction at every period of our lives, we are bound as intelligent human beings to react either with or without approval to what goes on around of us. We have been hearing many people say that the world we live in has become so infatuated with self-love and hatred of others, that there is no possibility of curing it. We have, to a great extent, come to realize that many of the ideals we hold in life are but sonorous words, we enjoy listening to, but never to have them realized. We, the generation of today, who have lived between two detrimental World Wars, look for safety and security, and know intrinsically, that we cannot get them unless we are strong enough to stand against the tide of superior forces. Ideals, we have seen, are just like toys in the hands of children. They are played with, twisted, and changed with subtleness that escapes the cleverness of the illusionist or the magician. There is no room now in the world for people who dream - because there is no time for that. The swiftness with which circumstances are changing does not leave any spare time to the people to enjoy a luxury of idleness, a luxury of the old ages.

In a particular world like this, we come to realize more and more the necessity of a moral code, or of a principle to guide us. In a time like this, we need, more than ever, to understand our real nature. This can never be achieved by running away from what surrounds us, from our actual course of life, but rather by facing it, and admitting its existence. We have

to admit that our human destiny is such that we can achieve nothing if we do not take it as our starting point, with the full awareness of its implication.

The world of today actually presents itself as a conflict of ideologies. More clearly put, it is the eternal war between justice and injustice, this time only with different weapons and strategies, especially because the two terms have come to acquire a new meaning and connotation, different from the preceding ones. Thus if we do not understand fully this very fact of our present human existence, how can we ever aspire at arriving at a solution of this major problem of our existence? This understanding shall require from us to probe deeply into the nature of man and society and lay the foundations of our solution on the firm rock of the unchangeable human nature. This is the way that leads to the complete and final understanding of the destiny of an epoch, and ultimately to the understanding of the destiny of man. It is, therefore, within the limits of this thesis, that we shall try to lay down the basis of a just and stable society.

I N T R O D U C T I O N

"Among the statues exhibited at the Paris Salon of 1897 was one of a female figure, the Greek features of which were remarkable for the absence of the slightest vestige of an eye. She was seated, of heroic size, and in the place where her eyes should have been were cavities that looked blank and cruel; nevertheless, her right arm was almost folded carressingly round an infant in her lap; but her left rested its weight on the hilt of a sword, the point of which stood upon the ground; and on the sword was impaled another infant similar to the first."⁽¹⁾ The subject could hardly be fitted for artistic representation; but it stood, I suppose, for a satire on human justice, for which men have been, ever since the dawn of history, struggling to realize. But what they have so far done is nothing beyond cold theory. They have soared so high in the domain of ideas and theories that they are unable to see the ground on which they are standing. They followed absolute ideals and immutable theories thinking every time that no perversion would befall them, and forgetting everytime that the empirical and factual remains in utter defiance of the rational and the ideal.

The realization of human justice in all its aspects has been the major goal of man. Along side this realization went the consciousness of man of his own self and destiny. The more he knew of himself, the more his understanding of justice changed. What was just at a certain time became unjust at another. Yet what made an act just, say in the Babylonian society, makes another

(1) Edmond Kelly, Government or Human Evolution, p. 275

just in our society. According to the code of Hammurabi if a man of the ruling class should kill the son of another of the same class, his son would be put to death. To us this seems, and rather is, horrible. Why should the innocent son suffer the sin of his father? To them it did not, for the principle of equality within the same class necessitated that they - the people of the same class - should suffer like for like. In fact that was what justice demanded. Today we refuse to believe in such a theory, but we cannot deny the justice of its basis. For once we admit that the leading criterion of justice is equality, and that the existence of classes is natural, we cannot but admit that justice is achieved only through the application of this criterion. Moreover, we should not forget that the early Babylonian Society was totally different from ours, although it had to do in making our Society what it actually is.

Since the Babylonian period man has, no doubt, come to know more of himself and his surroundings. The development which has obtained is an index of the degree of awareness he has reached. Thus if we find that he refuses to believe in what his forefathers used to hold as true and divine, that is in itself an indication of the social intelligence that accrued as a result of the awareness of himself, in terms of what he is now, and what he has become. Accordingly it is almost impossible to hold as absolutely just what in its essence belongs to a particular stage in man's evolution. For society is constantly changing. And to formulate a theory of justice that is final and absolute is quite impossible, for "every change in man and

his environment calls for a re-examination of existing values in their application to the new situation."⁽²⁾ There is thus a dynamism in the changes that befall society, which dynamism makes it difficult for old theories pertaining to a certain situation to remain effective. In such cases justice demands that they be changed and that new theories replace them. The same holds true in the case of social institutions. Any social institution, political or economic which, after serving its purpose, has become obsolete must be overthrown lest it hamper the progress of society. No one holds today that feudalism must be the order of our new industrial society. Justice demands that feudalism as an institution be overthrown and replaced by whatever institution congenial to our present social order. I say congenial because there are many societies in the world which have not yet become fully industrialized. And just as it is unjust to perpetuate an obsolete institution in a large scale industrial society, so also it is not just to adopt to a semi-agrarian and semi-industrial society the same measures which are congenial only to a large-scale industrial order. For the problem of justice must not be solved ideally but empirically. What is just in Beirut may not be so in Moscow or London. The same principle of justice may require one rule for Damascus, for instance, and another for Prague - both cities represent different societies, and different cultures.

(2) Julius Stone, Province and Function of Law, p. 210.

On this basis we may argue with Kohler that there is no eternal law suitable for all people at all times and places, and that the law which is suitable for one period may not be so for another. "We can only strive to provide every culture with its corresponding system of law. What is good for one would mean ruin for another."⁽³⁾ What pertains to one society may not obtain in another. Such a theory, we shall see, is deeply rooted in society taken as a unit (namely, a nation). It is, needless to point out, through and through dynamic. To such a theory law is not static; not even natural law. It is rather permeated with dynamism. And thus all modern theories of natural law and justice seek not immutable rules, but rather ideal standards which will give direction to law, and which are also capable of adaptation to different circumstances - hence the phrase of Stammler, 'Natural law with a variable content.'

If there is no eternal law that is suitable to all societies, is there an eternal ideal to which all laws must conform? Is there a standard of action which must not be violated lest injustice ensue? The natural law theorists answer in the positive. Their opponents hurl at them with a big cynical No. To the natural lawyer if there is no eternal standard there can be no positive law at all. For the sole judge of the goodness or badness of laws is not their conformity to society, but their adhesion to ideal justice. According to the natural lawyers

(3) Quoted by G. H. Paton, Jurisprudence, p. 94.

justice is an ideal which can be reached; and it is superior to law. Thus every law, to be just, must conform to a certain ideal of justice, to that Natural Order which governs the acts of men. Justice is thus the driving force, the *élan vital*, in a slow historical evolution which must, by necessity, lead to a state of stability, order, and peace. Among the protagonists of this doctrine are many of the important political philosophers. They go as far back in antiquity as Plato and Aristotle. In almost every century it had representatives. But strangely enough this doctrine of an eternal immutable law was not itself eternal or immutable. For modern theories of natural law are not the same as those of the Stoics, Cicero, Aquinas, or even the 18th century thinkers. It is true that the idea of an existing ideal law is still held, but the content of this law has been subject to so many considerations and examinations that it can hardly have two similar connotations. Moreover the theories of natural law have remained cold theories in most cases. And whenever they were brought to face concrete facts they failed to achieve their own purpose, namely, solve the problems in a way conducive to a stable, ordered, and peaceful society. Natural law has so far failed to realize justice, at least in practice. For there, neither individuals nor states have so far resorted to ideal standards for the solution of their own problems. The trend has so far been that individuals, to a small extent, and states, to a large extent, are forming their own ideal standards, and that in the field of international

law and international relations, power has been, in practice, the sole standard of justice.

The opponents of the Natural Law Theories are those who hold that justice is subordinate to law; and thus just acts are so declared to be by law. Consequently, justice becomes, as some say, the manifestation of power. And according to this doctrine there can be no universal immutable ideal of justice. For justice is no longer to be considered as an end in itself, because it has no meaning as such, but as related to the nation. In so far, therefore, as justice is a manifestation of power, it is also congruent with national interest. Thus everything is just which conforms with national interest. This attitude reminds us of the early primitive days of man when, power, mostly physical, was the only criterion of justice. This seems also to be the hard law of nature - the law of the survival of the fittest. Yet whatever we say, there is one basic fact which is also there, impeccable and true; the will-to-power. When taken as a measure of the achievements of man along the line of his self-realization we see that the role it played was great. There is every indication that in the future as in the present and the past the will-to-power, manifested now by the national interests, will continue to function. Accordingly, therefore, justice will always be, just as it is now in nine cases out of ten, determined by Power - not necessarily physical. The statue exhibited at the Paris Salon in 1897 remains the most clear representation of justice, not only in our modern society

but rather in any society past or future, with the sole exception that the character and quantity of the injustices may be different in the coming societies. There is, however, a fact which is true and needs to be pointed out, namely, that injustice can never be wiped away from the face of the earth, and that each age has its own injustices which a subsequent age might obliterate only to create new injustices in their stead.

Two doctrines, therefore, have been ruling over the world and determining the meaning and scope of justice. One is the doctrine of Natural Law; the other is, what is generally called, the doctrine of the German Historical School of Law. Both of them go back to antiquity for their roots. And at one time or another of the history of our societies either one of these doctrines or even both of them held the sway. It is very difficult to assess the preponderant significance of each in terms of achievement. For the controversy that arises is very intricate and complex. The followers of the Natural Law doctrine held that all the progress achieved by our societies has been due to the slow evolutionary march of the ideal of Natural Law, which, through its belief in the possibility of peace - perpetual peace - and order, has always appealed to the people; it has thus been the historical driving force which never wavers from the path of peace and justice. To them the world will not be what it is today; i.e., it will not have reached this degree of civilization and progress, were it not for the writings of such people as Cicero, Aquinas, Grotius, Locke, Rousseau, Kant

and many others still. Without the ideals of Natural Law the Roman Empire, they say, would not have existed, and the legacy of the Roman Age would never have been bequeathed to us. Nor would the complete secularization of law be achieved in the Renaissance were it not for the writings of Aquinas on law, which can be considered as the first step towards the secularization of law. (4) They also point out to the work of Grotius related to international law and justice, and to those of Locke and Rousseau which are considered, with Kant's, to be by far, the most important theories that have influenced our modern society. Indeed we cannot deny the influence of Locke or the enlightenment on subsequent thought. Modern democracy has its roots there in those writers, who to a large extent, have drawn on the ideal of Natural Law and Justice. The Contract Social and Locke's ^{Treatises} ~~Essay~~ on Government are taken by some to be the gospel of the new democratic society.

But despite what these people say there is every indication that injustice was not wiped out from the face of the earth, nor that the ideals of Natural Law ever were put into practice. And even as theories, there has never been a unanimous acceptance of one theory to the exclusion of all others. Thus it seems that we should look somewhere else for the explanation of the progress we have achieved and the degree of culture we have reached. People theorized but history seemed to have followed its own

(4) George Gurvitch; Ency. of Soc. Sc. vol. XI, article on Natural Law, p. 287.

course. And this is what the German Historical School of Law says. Theories meant very little in the struggle for existence. For practice has always shown that it is the will-to-power, and not ideal justice, which has marked the evolution of history. The constant struggle between the empirical and the ideal has always resulted in the triumph of the empirical. And in the domain of history deeds and not words were the leading factors. Theories, such as Natural Law, were not utterly meaningless. They have accentuated the struggle, though not determined it.

After all, say the opponents of Natural Law, there is a great difference between the theory as it is (in words) and the practice (deeds). There is a wide gap between the right to pursue happiness, and its attainment. What is the use of such a right when its fulfilment is almost impossible? The French Revolution, in breaking down the old Regime, proclaimed "Liberty, Equality, and Fraternity", as its motto. How far did the French Revolution, and later on the French Governments, or any continental government achieve this ideal? Every day that is passing is said to have added new problems to our already complex existence. These problems cannot be solved by the same old fashioned measures. Even less by mere theories. For rights, as they stand in their charters, are different from the rights in actual practice. The problem is, hence, not one of theory only, nor of theory that does not conform to practice, but one of theory and practice, of practical theory. For the problems of modern society, and the most intricate of which is justice, need not be

treated blindly. Our eyes should be wide open to the present realities and immediate possibilities we are envisaging.

The German theorists have not erred in advocating the theory of power. For apart from any other consideration, power, in whatever guise, remains to be the only driving force in history. But they did err, though. Their error was in not knowing the limits to which power should conform. Their indictment against the Natural Law theories is, to a large extent, valid. But their prescribed solution is, to a large extent, false. For although struggle and conflict are fundamental principles in our life, yet they should not be allowed to annihilate us. We should not fall into the danger of the other extreme. If excessive idealism keeps us away from our reality, excessive realism makes us blind to our reality. We need not be as idealist as a utopist, nor as realist as to forget our humanity. Power is sometimes essential for the maintenance of peace and justice. But "the same force which guarantees peace also makes for injustice."⁽⁵⁾ Any kind of social power may develop, as it always does, social inequality. And thus in trying to solve a problem, we will be only complicating matters, if we do not know the real context of the problem.

Nevertheless, inspite of the disparities obtaining between the Natural Law School and the German Historical School, the dominant fact of Power remains in full effectiveness. The problem

(5) Reinhold Niebuhr, Moral Man and Immoral Society, p. 6.

of justice is not the only problem of humanity. Nor is it the problem of a certain particular society. It is intrinsically related to society as such, and cannot be solved, at least for a particular society, except from within. For as a value justice is a social value. Without society it has no meaning at all. And those who talk of natural justice know not what they are saying. There is neither natural justice nor natural injustice. Justice or injustice obtains only in a relationship; or as Aristotle puts it, there must be at least two, to speak of justice. Thus the existential and practical significance of justice accrues from the inter-relationship between values and persons. It is thus relative to the situation. And it is well to note, with Niebuhr, that "even in the comparatively simple problems of individual relationships there is no moral value which may be regarded as absolute.... Every action resolves a certain competition between values, in which one value must be subordinated to another."⁽⁶⁾ Whether we want it or not, this is what is taking place. We are sometimes obliged to sacrifice justice for order, or security, or national interest. No one value is thus taken to be an end in itself. To attempt to do so is to be inconsistent with the actual progress of history.

Everybody knows that England did not enter the war of 1914 against Germany just because she signed a pledge to defend Belgium. She did not, of course, go to war for a 'piece of

(6) Ibid., p. 174.

paper.' She fought for her own national interest. And that is what she did in the Second World War. She even allied herself with Russia, her ideological enemy, to crush Germany - an enemy whom Churchill considered more powerful, and therefore more influential than Soviet Russia. In both wars she fought for her own interests, and only secondarily for other nations' interest in so far as they were linked with hers. I am not blaming her, nor any other nation who fought with her. But I am only trying to show that in actual practice values become mere instruments. Germany waged the war because she wanted to be the dominant power of the world. For it is not just, thought Hitler and his followers, that a nation so powerful and so large, be confined to a very small area of land and have no colonies at all. For Germany the question was one of justice. So it was for the U. S. A. But everybody knows that a big difference lies between the two conceptions.

If that is the case in international affairs, it is more so in national affairs. The struggle in Europe during and after the 17th century was one for democracy, or the rule of the people. Apart from the theories that were advocated in defence of the Divine Right of Kings, we notice how the kings ^{in practice} abused/their rights, and how the Divine Right theory, which was initially supposed to be ideal, for the King was supposed to act in accordance with the will of God as found in the Scriptures, became one of the most reactionary theories of sovereignty. The King, being the fountain of justice, was the only authority that could deem

acts just or unjust. In those days of the 16th and the 17th centuries, and in the days of Louis XIV, justice was identified purely and simply with the will of the King. L'Etat, c'est moi, was the highest expression of absolutism. But we should remember that history does not record the name of Louis XIV only. For right in the midst of the Age of Enlightenment new theories of society began to appear. The will-to-power began to take a new course. Democracy, as the rule of the majority, was taken to be the only solution for the problem of justice. It, no doubt, was; for what could be more just than giving the individual the right to express his opinions with no fear? And thus the ideas of Locke and Rousseau, began to spread, like fire, in England and France. But both of them were not fully conscious of the implications which their theories might have. The theory of natural rights, on which both of them relied, is no other than the theory of Divine Right, turned upside down. Instead of the king, they put the people; and thus the problem was solved ideally. But what is the difference between the despotic rule of the majority and that of a single monarch? Could not a majority, ideally, be more tyrannous than a mere king? What guarantees could a democracy offer as a safeguard against personal liberty and social equality for which it stands? These questions should be answered from an ideal point of view, just as they are asked from an ideal point of view. For in practice the whole thing is different.

As the rule of the majority, democracy does not in practice

exist. Those who rule in a majority are a few. And from this point of view we must discount a widely held conviction that the democratic movement has furnished society with a permanent panacea for its vexing problems of power and justice. In practice it has not. And society is "perennially harassed not only by the fact that the coercive factors in social life... create injustice in the process of establishing peace; ... Power sacrifices justice to peace (order) within the community and destroys peace between communities."⁽⁷⁾ Moreover democracy is subject to alteration and change. The problems which it faced and, perhaps, solved in the 18th and early 19th centuries, were peculiar to those centuries. The problems of today do not seem to be capable of solution by the same methods. Large-scale industrial societies of today cannot possibly allow the same economic freedom to the individual which 18th century society allowed. The new situation we are in calls for a reconsideration of our values and methods in the light of what we have become. And if we still suffer at the present from injustices that ought to be eradicated that is due, I believe, to the fact that our mentality is not coping with the tempo of technological change.

But that is not all. For we still confuse the ideal and the actual. In fact we have, to a large extent, misconceived the reality of our existence. The problem is thus not one of theory only, but one of practice also. What benefit do we get from an ideal theory of democracy which is autocratic in practice?

(7) Ibid., p. 16.

Indeed, nothing. We will only be doing injustice to ourselves. And that is more harmful than having an autocratic society which we hold to in theory. In such a case we will be at least true to ourselves. To conceive, thus, of a theory, say communism, will not in the least solve the problem of justice in society. Nor will it even furnish us with a better atmosphere in which we can try, freely, to arrive at a congenial solution. The last three decades of the history of Russia condemn communism. For, in practice, it has proved itself to be no better than the regime it overthrew. The ideal paradise which it promised is no other than an 'ideal hell'. People from Russia have uttered this condemnation. And those who revolted against the soviet regime did not do so because they disagreed with communism theoretically and philosophically. They were communists, ardent and honest communists, who believed that communism could rid their social order of many of its vices and injustices. But it did not. It had only increased the oppression from which they were suffering. The practice was thus a flagrant violation of the theory. And what was ideally just is known now to be practically and empirically unjust. Kravchenko did not desert the Party and run away from Russia because he disagreed with the Party leaders on the philosophic basis of communism, but because, like many Russians, he was promised a paradise, and given a hell. The experiences he underwent described the paradise he was supposed to live in. It is, therefore, with dismay that people like Kravchenko look at what is going on in

Russia. For, lured by the communist theory of a just and equitable society, they were faced later with the hard and impeccable pictures of it in practice. The great abyss that separates theory from practice makes the whole situation vivid and clear. Never did communism in practice come up to the same level as communism in theory.

From the foregoing one may think that the non-conformity of practice to theory is a characteristic of our modern society. This is, of course, not the case. For ever since the dawn of history there has been a disparity between theory and practice. This difference might have been emasculated at certain periods; but it has certainly survived all attacks; and today it stands as firm as a rock. For not only in collective action does it show its existence, but even in personal behavior. How many of us, as individuals, have set codes of ethics, or moral rules for ourselves to follow, and have found ourselves later so very unable to observe them? How often do we hear people say that it is so easy to formulate theories, but not so easy to put them in practice? These are facts which we should face. Running away from them is not a solution - it makes them all the more complex. And if we ask ourselves why there is such a wide gap between theory and practice, we find that there are two major causes. Firstly, our imagination carries us sometimes into realms which bear no relation to our actual context. It keeps us so far away from our actual existence that we can hardly see our own problems in their actual setting. Secondly,

our idealism, unwarranted as it has always been, fails to take account of our own limitations in terms of our human existence. In most cases we have psychologically failed to understand ourselves. That is in itself a drawback. We have been especially since the Age of the Enlightenment, intellectualizing too much our human situation, to such an extent that we ceased to believe in what is empirical, practical, and pragmatic. We are rational beings and we do not deny it. But reason is not the only tool that we can use to achieve our self-realization. Our plight today lies in our attitude towards our social problems, whether political, educational, or economic. We have been too much 'log-icizing.' And since reason does not admit of contradictions, then what we arrive at logically must be true. This is a wrong conclusion. What is logically valid may not be really true. There is as deep an abyss between validity and truth as between theory and practice.

I admit that the relation between theory and practice is very subtle. But if we do not assess its degree, it will, sooner or later, emasculate the whole argument. If we do not involve ourselves into a practical consideration of the theory, we find ourselves doing exactly what we did not want to do. For we do not, as I have pointed above, want to set theories which we are apt to violate in practice. The French Revolution has set up a list of rights, ^{seventeen} ~~fourteen~~ in number, called 'The Rights of Man'. The Revolutionists fought at the risk of their own lives to preserve them. But when we look at the picture from another angle,

that of practice, we see how little they were observed, and cared for. It is not just because the people, either in power or not, did not want to observe them, but because, they could not be observed absolutely. Some of them should be sacrificed for the sake of the others - and that is a point which the Revolutionists did not take account of. Nor were the philosophers of the 17th century any better. For those, who advocated what we call today the absolute rule of kings, did not leave a margin in their theories for practical abuses of the theory. The doctrine of the Divine Right of Kings was thought to be the only possible theory that could, in practice, establish justice in society. Now apart from the fact whether the theory itself was just or not, its practical results were, I am sure, abhorred by its advocates. And although, in some cases, theories relating to the Divine Right doctrine were presented as an apology for certain 'forms of government', yet we should not forget that, as theories, they remained very different from the actual state of affairs. As theories, they aimed to idealize the actual existing order; and in so doing they were distorting the actual situation.

Thus if a certain theory of justice is said to be, when applied, capable of achieving justice, then we have to judge the result of its application. Our judgment, however, will have to depend on two things; the theory and the practice; the rational and the empirical. There is no use in having excellent motives and intentions and bad results. Unless the theory is

translated into action, it has no practical value whatsoever. But not every theory is capable of achieving the end in view, nor even capable of being applied as such. For the theory might be theoretically wrong, and in such a case it is worse than a right theory which is abused and violated in practice. The theory must, then, be true to the facts of human existence so that its validity, from the point of view of logic, may become a truth, a reality in the realm of empirical existence. And hence, when a theory is condemned as theory, we need not go in to passing a judgment against it in practice. For then its practice is definitely against the reality of the human situation. Accordingly, therefore, if we condemn communism as a theory, that is enough, and we have to look for another theory, to solve the problem which communism tries to solve.

To my mind the roots of the error lie in our misconception of our own reality. We idealize ourselves so much that we come to think of ourselves as angels. We think of ideas and forms and we deery the practical and the empirical on the ground of its unworthiness and its unreality. We do that to such an extent as to conceive of a society governed by philosophers kings; and we believe that only in such a society can justice exist. Yet we seldom notice that even Plato had come back to his senses and realized that a society in which kings are philosophers is not in reality 'human'. Much less is the Icarian society of Cabet, or the Socialist society of Babeuf, who was so optimistic as to believe that in fifty years all inequalities of wealth,

privileges, etc. would be wiped out from the face of the earth, and justice would subsist among all the people of the world. Such people, and Marx among them, in tackling the problem of justice, were, I believe, evading the real issue by running away from the real facts. Their theories were utterly 'unhuman', and therefore not capable of application at all.

The error which such theories commit is very great, because it implies a complete distortion of human nature. If all men are reasonable beings that is not sufficiently a motive for creating a world state. The conclusion which the Stoics drew from the fact of the rationality of man is unwarranted. For even though reason pertains to man only, it is not capable of achieving an ideal world state. It is, I believe, futile to attempt a world government or a world state. If such a thing should take place it will take place in spite of any individual wishes. But the trend which man's history has taken does not point to that end. And to think that such a world state will, in point of fact, do away with conflict, struggle, and competition is so naive and, at the same time, inane. The dynamism of life is a fact to which all theories must succumb. And any theory, be it of justice, of the State, or of a particular institution in society, which does not account for this fact, is utterly doomed. The facts of empirical existence must be taken into account, and the belief in ideal justice here on earth should be abandoned.

This is not pessimism. This is healthy realism. If ideal

justice does not, and cannot exist in the world, that does not necessarily imply that no good can be reached and that the evils existing in the world will remain forever. There is, doubtless, a great margin for progress to be achieved. We can do away, and to a large extent now, with many of ^{the} injustices. But to seek plans that would turn the world into a paradise is both useless and undesirable. For, limited as we are by our own potentialities, and by the fact that we are human beings and not angels, we should seek that which we can achieve. And it is only in degrees that we can establish the good and just society. In the meantime we have to be aware of the progress of history, of the reality of the problems we are facing, and of the limitations of our existence. We should be very cautious in the formulation of our theories. A perverted theory of social existence and social justice will set us back and will keep us very far from our noble end. If we wish to establish justice in society we should not resort to such theories as Communism or Nazism; but at the same time we should not be afraid of what may befall us if we adopt the right theory. Communism and Nazism are not condemned because of their realism, but because of their perverted view of society and social existence. Our ideal must not be an alien ideal, but one which is derived from our actual existence. We need to visualize an ideal society which we can achieve, and not which we can think of only.

The plight of our modern society has, to a large extent, been its insistence on the ideal and the denial of the actual.

This very attitude has rendered us blind to the actual realities. It made us forget to see with Spengler that "World history is the world-court, and it has ever decided in favor of the stronger, fuller, and more self-assured life - decreed to it, namely, the right to exist, regardless of whether its right would hold before a tribunal of waking consciousness. Always it has sacrificed truth and justice to might and race, and passed doom of death upon men and peoples in whom truth was more than deeds and justice than power."⁽⁸⁾ We should be reasonable enough to see the situation in its actual setting, and not only to be able to rationalize it. We have to admit that realism is the guiding principle in politics, and that morality does not, in point of fact, hold between states as it does between individuals. "No state," says a German author, "has entered a treaty for any other reason than self-interest." and he adds, "a statesman who has any other motives would deserve to be hung."⁽⁹⁾ In this connection professor Edward Dicey has said, "I am in favour of advancing the interests of Great Britain even at the cost of war."⁽⁹⁾ Could there be something more realistic than that? And this is the kind of international morality that exists in the world today. Thus while we may imprison someone who steals a loaf of bread, we may not object to a war waged, if peace, local or international, is threatened, or if there is a clash in the national interests of the countries concerned. Group relations,

(8) Spengler, Oswald; Decline of the West tr. by Ch.F. Atkinson; (A Knopf) vol. II, p. 507.

(9) Op. Cit. Niebuhr, p. 84.

as Niebuhr has rightly put it, can never be as ethical as those which characterise individual relations. (10)

Moralists have, at times, assumed that a more perfect social intelligence, capable of penetrating the inner soul of the nation and analysing its hypocrisies, would arrive ultimately at making them impossible. But here again they are counting on moral grounds which are not actually available in the nations. What happened in the war of 1914-1918 happened on a large scale in the Second World War. What was morally impossible then, will probably remain so for centuries to come, or even forever. Young powerless nations, looking at what is displayed by the powerful nations of the world, cry for recognition and weep over the ideals of justice and freedom that are never put into practice. Had they ever thought that were they powerful enough, they would do just the same, and probably more, than what the powerful nations of today are doing? In such a context, international justice relies on nothing but power, although power need not be material always. The rules^{of}/conduct that govern individuals in the same nation, do not govern the conduct of nations. In the sphere of international politics, it has been 'the stronger, fuller, and more-assured life', which utters the final judgment.

In these days of ours values and ideals have become the creation of the ruling and powerful nations. Politics has become no other than dealing with situations (of an international

(10) Ibid., p. 83.

character) in the light of national interests. Values are still called by their old names, though they do not carry the same meaning. Justice has become identified with an International Court of Justice in the Hague - almost petrified. Freedom is still the right of rights of all nations and individuals. Nothing has remained of it, but the name, and in some cases, a little more than the name. The Divine Right of Kings came to an end officially, and as far as kings are concerned, exactly after the French Revolution. In its stead arose the divine right of majorities, minorities, factions, or parties. And in spite of all the theories that were formulated to achieve a more just society, we see that the empirical situation is a flagrant violation of them. In fact, our modern society has witnessed a widening in the gap between theory and practice. Could it be that we have grown less aware of our real existence?

In the following pages of the thesis I shall attempt to diagnose our modern society, that has been engendered by both the French and Industrial Revolutions, to arrive at the core of the problem and to show that the gap exists between justice in theory and in practice. No claim of originality is, however, made in the historical part. In the analytical part, in which justice is discussed in conjunction with "equality" and "freedom" the attempt is made for the formulation of a theory of justice in society, which, we hope, will stabilize society, without

necessarily causing its death.

The overwhelming complexity of the subject herein treated has made it very difficult for me to cope with it as fully as possible. The many shortcomings, that are found, are due in one part, to the subject itself, and in another, to the language.

P A R T O N E

The Historical Setting of the Problem
of Justice

"Ours is essentially a tragic age, so we refuse to take it tragically. The cataclysm has happened, we are among the ruins, we start to build up new little habitats, to have new little hopes. It is rather hard work; there is now no smooth road into the future; but we go round or scramble over the obstacles. We've got to live no matter how many skies have fallen."

D. H. Lawrence

So far as the thesis goes the problem of justice is related, in its historical setting, to modern society. And I admit that the term 'modern' is misused and ambiguous. I would rather say 'contemporary' were it not for the very same reason. For, I am afraid, that 'contemporary' may be taken to mean 'immediate', which does not convey the meaning of the thesis at all. Limited, as I am, by the choice of terms, I decided to use the term 'modern' with a qualification. Historians are accustomed to dating modern society back to the days of the Renaissance; and that is with respect to their division of history into 'Ancient', 'Medieval' and 'Modern'. And although I do not deny the effect of the Renaissance on our modern society, nor even of the Middle Ages or Ancient Times, yet I am prone to believe that our modern society, and its technological and philosophical problems dates back to the days of the French and Industrial Revolutions. It is mainly these two epoch-making events that have given our society its present outlook. The problem of political liberty in general and economic equality in particular are in themselves engendered and intensified by these two events, which are, no doubt a turning point in our 'modern' history. It is with this turning point that the thesis is going to begin.

C H A P T E R 'I'

The Revolution Against Tyranny; The Problem of Justice in Its Modern Setting.

Ever since the 16th century, and until the days of the French Revolution, all the theories about society (just society) may be divided into two categories; (1) Theories that wanted to preserve the status quo; (2) and theories that wanted to revolt against the status quo, to establish a better social order. In essence none of these theories but the social contract could admit of divergent meanings. Bodin, for instance, was virtually the philosopher of absolutism, and so were to a lesser extent the philosophies of Grotius and Pufendorf, though the former might be said to have some democratic tendencies. The social contract theories, however, served both absolutism and democracy. Hobbes, in his appeal to Natural Law, derived a theory of the state which would locate justice in the monarch - who according to the contract, is completely absolved from any obligation towards the people, or even towards law as such, for he is not a party to the contract. Locke and Rousseau, however, wanted to revolt, and actually did in their doctrines, against the status quo. They wanted to create a democratic state. In both their theories there is induction, and there is occasional recourse to the then actual conditions either in England or in Geneva. Locke was influenced by the triumph of parliament in England; Rousseau by the smooth life of Geneva, in contradistinction to

the political life in France. And although we may say that to both of them the status quo as then existing in England and Geneva was a blessing with regard to the situation on the continent, or in England a little before the triumph of parliament. Yet they were not satisfied with these preliminary results. They wanted to establish a just society, on so sure a ground, that nothing in the future could shake it. That is why we call them 'revolutionaries', and that by virtue of their being emancipated from the actual, the what-is, and their being in constant yearning for what-ought-to be and can be. To both of them democracy as an ideal could be put into practice. Unlike Hobbes and the French absolutists, they did not try to show that the actual, the what-is, was at the same time the what-ought-to-be. They believed that absolutism was immoral, and that it degraded man. Their task was therefore to establish a moral society. Democratic society, where each individual works for others, and where liberty and equality reign and rule, was the only moral society to them. That is ideally so. At any rate the world took the risk in 1789, when France for once made her decision that the social life then existing was not worthy of the French *qua* men.

If democracy nowadays is not in practice what it is actually in theory, this is due both to the limitations of human nature and to a distorted view of man. To us it seems that the most salient problem that democracy has to face is that of excessive individualism which is nothing but egoism, monadic existence, or atomistic behavior. Democracy has given the individual

so many rights, and demanded from him so many duties, and failed to curb his instincts of domination and animality. It is true that democracy gave man his moral worth, but it also made him abuse the moral laws. He cherished the rights that he became conscious of, and forgot that he has these rights by virtue of his being a social creature. He forgot his duties towards his fellowmen, with which his rights oblige him to comply. He forgot his sociality, and retreated more and more into his individuality until he became a 'monad', a blind atom, that knows nothing but his own selfish interest. That in fact was drawing him away from democracy, and making him all the more anarchical...

Consequently society was becoming disintegrated. A new orientation of the mind of man became necessary. That was what we actually witnessed during the 19th century. The reactionary movements of totalitarianism that appeared in the latter part of the 19th and in the 20th centuries, were in themselves the necessary conclusion of the drastic individualism in which man was retreating. These movements called themselves democratic in contradistinction to the actual democracies of the day - and because they did believe, as Russia now believes - that their social organization was the most democratic. But they went to the other extreme and forgot the essence of social life. Nevertheless, they were in their own way movements of reform - and theories of a just society. But how far their theories were correct, that is what we shall see in the following chapters. For we are confined here to the event called the French Revolution and the results that ensued from it.

The French Revolution ended a regime known as the 'Ancien Regime' where authority was in the hands of the absolute monarchs, and not in the people. It was meant implicitly to establish the rule of the people - namely, democracy, but in fact, it established the rule of the middle class, not only in France, but also on the continent. The consequences of the Revolution were somehow different from what they were expected to be - and thus the Revolution could easily be declared as having partially succeeded, especially in France. However, the Revolution tried and did transfer the sovereignty from an irresponsible monarch to what the revolutionists called the people as a whole. For they believed that through this transfer of sovereignty all the problems of society would be solved. But that, we know, was not true. For the Revolution did not actually establish democracy as the democratic philosophers such as Locke or Rousseau, meant it to be established. Nevertheless the Revolution was a turning point in the political and social history of Europe. For if it did not have immediate results, the way it was meant to, its ultimate results have not yet been fulfilled.

The motto of the French Revolution - Liberty, Equality, and Fraternity - was drawn from the writings of the democratic philosophers. The declaration of the right of man, though copied mostly from the American Revolution, yet had their roots in the philosophies of Locke, Montesquieu and Rousseau. The inalienable rights of Locke, the majority rule of both Rousseau

and Locke, the separation of powers in the state as a guarantee of these rights, the nationalism of Rousseau as the word Fraternity implies, all these were factors in the ideals of the revolution. The influence of these philosophers, called the forerunners of the Revolution, was dominant. But the question remains whether the Revolution could achieve the establishment of a just society. From the point of view of the revolutionists themselves it did, because they equated justice, or the just society, with the Revolution itself, and they did not wait till the Revolution was over to see whether or not it really established a just society. At any rate they could not have waited. For they were taking a risk. In such a risk there is no hundred percent guarantee to its success or failure. For the Revolution, whether it served its purpose or not, did accomplish something, the world is still talking about, and may still talk about for years to come, namely, the rule of the middle class.

The Revolution was trying to put into practice the natural right theories. It was trying to reorganize society in such a way as these rights would be preserved. And the mere fact that it was a revolution against tyranny implies the ideal of human natural rights which the Revolution ideally stood for. In that the Revolution may be declared as having implicitly considered that no justice could be achieved except when the rights of man were preserved. This in itself is an evidence of the influence of these revolutionary doctrines that were lurking in the minds of the intelligentsia prior to 1789. Thus in as much as the

Revolution was directed against a regime for the establishment of a new one, it was in this sense a revolution urged by the ideal of justice for the establishment of a just society. But the French were no better than the others; like them they failed in establishing a just society - because the Revolution that effected the change from the old to the new regime forgot to raise the problems that it should have raised, namely, Has the individual any rights against the state? What is the *Raison d'Etat*? Does it still exist? What is the individual? an existential whole by himself, or a member of society, and thus a unit? Secondly, the Revolution found itself facing a new world, with new problems of industry and labor, problems that it was not familiar with. It had thought that nothing would change - except that the power would be transferred from the king to the people. It did not think that foreign powers were not pleased with it, and therefore had to fight it; and thus it had to turn its interests outwardly and not inwardly so as to raise the problems and answer them. In a sense, therefore, the Revolution was immature.

The Revolution was not planned systematically though many had been waiting for it to come. General dissatisfaction and discontent were the characteristic of that period. Yet there was no plan, no ultimate purpose. The people did not even want to dispense with the king. They never thought that the Revolution would result in a Reign of Terror. Their attention was drawn to one purpose; reform of the government. They were not

aware of the fact that they themselves, that their institutions, their social organization; in one word, their life in general was in need of reform. At first they were not conscious that the problem was not one of changing officials in the government but the status quo altogether. The form of government was to be changed, and so also the whole social stratification.

Of that the French were not aware at first. When the Parisians demonstrated in Paris on July 14, 1789, it never occurred to them that a new era was then dawning on France and the Continent. And when the Revolution broke out, they thought it was a national affair, and therefore that no external power had the right to interfere. That is why, rising against foreign power, they were defending the Revolution, their right for life in France. Awareness of the whole situation was lacking. Things were happening too rapidly for them. They could not cope with their accelerating tempo. That is why they clung to that which they could grasp - and it was not much. But they knew it was their only chance for life, and they desperately took it, with a spirit of madness. When they spoke of liberty they made it the only right that makes one human. When they talked of equality, it was in an absolute sense that would make all equal to all; when they spoke of democracy, it was made the only form of government that was worthy of men. But then they equated all these ideas with the Revolution. They came to the belief that the Revolution could not be unjust; it could not be immoral. Every act that the Revolution did was a moral act. The

Revolution - under Robespierre - adopted Rousseau's "on le forcera à être libre."⁽¹⁾ The Revolution came to believe in itself at one time as the sole context of freedom and equality, such that outside the Revolution there was no liberty.

However, the Revolution was not so fervently worried about its ultimate purposes as about itself. For no sooner had it risen than forces, internal and external, started to fight against it. It had therefore to concentrate on itself and fight for itself to be able when it succeeds to fight for the ideals that characterized its motto. Thus during the revolutionary period justice was identified with the Revolution. Any judgment that the revolutionary tribunals pronounced was just. To the French when they revolted, justice, in the form of a just society, was the cause for which the revolution started. But when the Revolution itself became endangered, both the end and the means became one, and the Revolution became itself the new just society in the process of establishing itself. That is only natural since the Revolution was - as the people then thought - the only means for the establishment of a just society.

From the foregoing we get the idea that the Revolution was somehow an 'unconscious awareness' of the people. It started as a revolt, and ended as a revolution. What it wanted at first was a general reform of the government, a stabilization of its finance and the participation of the people in levying taxes.

(1) Rousseau; Social Contract, Bk. I; chap. VII.

But it ended in the complete destruction of the old regime, and in setting in motion those revolutionary forces - democracy, nationalism, and socialism - which have changed the history not of France or even Europe only, but of the whole world, and which - even in our present days, are still the most fretting problems of our lives. When those demonstrators, the mob of Paris, walked down to the Bastille, none of them thought that by hewing down and destroying the walls of that horrible dungeon would they destroy the strongholds of absolutism and tyranny. None of them was aware enough of the far-reaching influence of the beheading of the king, though by 1792 the revolutionists had already known that the local revolt was turning into a nation-wide revolution, the limits of which they did not know. It was only very lately, after 1792 that the Revolution declared itself not as the revolution of the French against their government, but the revolution of liberty, equality, and fraternity against tyranny, absolutism, and despotism in any form. It is therefore with the first year of the Revolution (1792) that the Revolution became partly aware of the end for which it was fighting.

Then it became aware of a new social order that it was fighting for. And, after the establishment of the First Republic, it became conscious of the end of the constitutional government; as Robespierre put it, "Le but du gouvernement constitutionnel est de conserver la Republique; celui du gouvernement revolutionnaire est de la fonder. La Revolution est la guerre

de la liberte contre ses ennemis; la constitution est le regime de la liberte victorieuse et paisible. Le gouvernement constitutionnel s'occupe principalement de la liberte civile, et le gouvernement revolutionnaire de la liberte publique." (2) Monarchy, being associated with the old regime, was not restored. The Republican form of government became the ideal of the French revolutionists. The new order was thus identified with the Republic.

A point must be, however, added. The Revolution did not go smoothly in the establishment of its immediate 'ideals'. Very soon after the beheading of the king and queen, differences arose among the revolutionists as to the interpretation of the ideals of the Revolution. The Girondists, who believed abstractly in liberty, were more honest to the ideal of liberty than the Mountain, later known as the Jacobin Party. The latter were more national than the former. They were more practical and realistic. They saw the danger of a loose government, and tried to do away with it; and they succeeded. They drove away the Girondists from the National Convention, and through the establishment of the Committee of public safety, embarked on a policy of terror to safeguard both France and the Revolution. They succeeded in saving France. But how far did they succeed in saving the ideals of the Revolution, that is another question. And though they had some ~~anarchists~~ ^{'leftists' or 'extremists' (radicals)} in their rank and file,

(2) Quoted by Thompson - The French Revolution - p. 410.

nevertheless they were nationalists - and it is precisely this spirit of nationalism that saved France from external attacks, and that led France to conquer Europe and free its peoples from the yoke of the brutality of an order, and the tyranny of rulers. The ideals of the French Revolution did not lose their essence, though. What actually happened was that one of them - fraternity - assumed the leadership; and under the flag of nationalism, these ideals of the Revolution were spread in Europe, as the mission of France. The French, right after 1802, became inspired with the idea that on them had fallen the task and responsibility of freeing the world. That was what Napoleon led them to, and what the Revolution, after its success, taught them to believe.

Thus the contributions of the French Revolution consisted mostly in the intensified nationalism that it had awakened in the people of Europe, which through the German juristic philosophers of the 19th century, became the criterion of justice, in the sense that justice became identified with 'Power', "the nation" or "volksgeist". It lost its idealistic transcendence and became objectified in the will of the nation. Another contribution of the French Revolution, however, was the practical development of democracy, as the rule of the majority and the sovereignty of the people. Nevertheless this contribution was due more to the triumph of the middle classes than the proletarians. That is why the French Revolution is said to have strengthened capitalism more than established democracy. Yet

we cannot but hold that the democratic form of government, though by no means democracy as such, was established by the French Revolution.

The Industrial Revolution presented the French Revolution with the problem of capital, labor, and property rights. The latter could not solve them, because they did not constitute a major problem to it in the course of its development. That is why the European World particularly was not satisfied with the partial solution of the problem which the French Revolution set itself from the beginning to accomplish, namely, the establishment of a Just Society (an ideal in itself). When it tried to solve it, it made a mess of it • ~~a kind of uncertainty that sweeps us all up to what is the good and just society.~~ The next chapter attempts a brief exposition of socialism in so far as it is related to the problem of justice, though not, by any means, from the theoretical point of view only.

C H A P T E R I I

The Age of the Machine

It is very difficult to give the exact date of the Industrial Revolution. Indeed the age of the machine in its crudest form dates back probably to the days of the Iron Age. Yet the Industrial Revolution is characterized more not with the inventions of machinery and the discovery of economic laws and theory, but with the social upheaval that ensued. The aim of the Industrialists was not selfish through and through. They were also interested in the people, the consumers, without whom the producers could not aspire to enjoy the benefits of production. Thus the Industrial Revolution was coupled with the enlightenment of the people - their orientation towards produced goods, and their welcome of the new age, as the age of the 'greatest happiness for the greatest possible number.'

The Industrial Revolution was not a spontaneous event, though its problems were, in character, unprecedented. In itself it marked the dominant interest of man in the material world, the legacy which he inherited from the Renaissance. It is also highly influenced by, and in a way resulted from, the inductive method, later known as the Scientific Method of Bacon, and the English scientists and empiricists. It was fostered also by the strong belief in Reason as the faculty which is capable of leading man to perfection, and thus to the mastery of nature. Guided with the idea of progress, the Industrial

Revolution identified itself with everything that would achieve progress. In itself therefore it marked the complete emancipation of man from the trammels of the past, and the complete launching of a new present that but a few could have a faint glimpse of its limits. The blind faith in man's Reason led men to explore the unexplorable, and to produce the most gigantic system of social organization to which the world could not easily adjust itself.

Although the Commercial Revolution was an epoch-making event in the 15th century, the Industrial Revolution is by far a greater event. The world was not shocked by the Commercial Revolution - it came very slowly. Commercial relations had been, for a long time, established between Europe and the Eastern Mediterranean countries. The commercial output became greater, but it did not intensify the problems that the system was then facing. But with the coming of the Industrial Revolution, with its sudden appearance in England - the problem was not a problem of output only - but rather a problem of ends and means. The Industrial Revolution had indeed created and faced a moral problem that entailed with it all the other problems, economic, political and social. The Commercial Revolution did not change the means of production or their distribution. They were writ large in it - and that was all. With the coming of industry, therefore, a whole change was to befall society. And it did.

Social organization prior to the Industrial Revolution was

one of an agrarian, or commeroio-aggrarian nature. In a sense it was a semi-feudal relation - the nobility being still in ownership of big estates. The merchants were then the only 'other class' that stood up against the nobility and contended for dominance. There was not, therefore, that sharp distinction between the classes, as was the case in the industrial age. For with the coming of the Industrial Revolution two new classes were created: the bourgeoisie and the proletariat. Big business was the creation of the Industrial Revolution. The workers - whose status was totally different from that of the merchants or the peasants of the agricultural age - were the new problem that the Industrial Revolution had to face. And as time went on their interests became quite different, and essentially distinct from those of the Bourgeoisie.

Needless to say, the economic interpretation of society was practically unknown to the world prior to the Industrial Revolution. Economics became in the industrial age the science of classes, their intra-, as well as inter-relation, their interests, and only secondly the science of the resources of a society that constitute its material wealth. The Industrial Revolution was, hence, an economic revolution, essentially imperialistic and aggressive. It was imperialistic, because it was based on mass production, and therefore needed a wide range of markets; and aggressive, because, identified with the bourgeoisie, it had to fight for its preservation against enemies of the same class. Being also competitive in essence, it had

to be on the guard against any intervention. The latter half of the 19th century, in which nationalism and capitalism were linked together, is a non-rebuttable evidence of the aggressiveness of industrial capitalism. For just as need for wide markets was essential to capitalism, so the fight for, and the safeguard of these markets was of vital importance as well. And while capitalism was at first - in the early days of the industrial age - highly centered around individual enterprise, it became later identified with the whole nation. Thus little by little the capitalist state assumed the responsibility of defending the interests of its individual members or firms. It was this nationalistic capitalism that was one of the real and dominant causes of the First World War.

What we are most interested in, however, is the problem of justice. Did the Industrial Revolution achieve justice? For while before the complete industrialization of society, and during the days of Bentham and Kant, the stress was on 'freedom from legal control' - free trade, laissez-faire, we find out that in less than a century later the problem became different. Society found itself compelled to limit the freedom of individuals - and was asking the question whether or not that limitation was justifiable. If we are to believe in what Locke, for instance, had taught us about the indefeasible rights of the individual, or in what Kant or J. S. Mill, or Bentham or any one of these individualists, or even Rousseau - believed about human rights, we find ourselves faced with a dilemma that we cannot

possibly disentangle ourselves from except by dismissing one side of it altogether. If man's freedom is an inalienable right, is society justified in limiting it? The answer is definitely no; because any limitation of a right means in the long run its annulment. Then what is to be done? For we are faced with a problem - the problem of social organization in the light of the industrialization of society. This necessitated a new consideration of the rights of man, a new examination of society - for, there was no doubt, that individual interests were not at many times collateral with society's interest, or with the interest of all. This new consideration of these rights, gave them a new meaning, in fact a truer meaning than that given by Adam Smith or Locke. The old theories were no more in harmony with the new social circumstances. The old illusions were to be re-examined in the light of the new industrial society, in the hope of achieving justice, and tending towards a more perfect and just society.

This was in fact the thesis of both Socialism and Communism - a reorganization of society for the achievement of justice.

If the French Revolution has bequeathed to the world a new ruling class - the Middle Class - the Industrial Revolution has created a new class - the Workers - completely under the control of the Capitalists. This situation is not much different from that of the old Regime. In both cases there were people who were oppressed. And from the point of view of justice neither

of these two social orders is just. The French Revolution which aimed at establishing a new society, succeeded in that only from one point, namely, that the new regime was new with respect to the old one. But substantially it did not rule out injustice altogether, or at least did not establish a more perfect society. The reason may be that both the French Revolution and the Industrial Revolution have come at the same time; so that while one was trying to do away with the injustices of the old regime, the other was creating the injustices of the new regime. And thus a new reconsideration of society became all the more incumbent. Socialism and later on Communism were, as theories, trying to arrive at a general panacea.

Thus while the dominant aspect of the old Regime was the lack of political rights, that of the New Regime was the lack of economic rights. The political rights of the individuals have now been embodied in the economic rights. What was most important for the French Revolutionists was the political rights of liberty and equality; what became important in the New Regime was the economic rights of the workers - such as when economic rights are accorded and recognized political rights necessarily follow. The fight is now, therefore, between political liberty and equality on the one hand, and economic liberty and equality on the other. Both Socialism and Communism were for the economic rights, though they differed on the methods of achieving them.

Socialism is by no means the only theory for the reorganiz-

ation of the New Regime. Fascism and Nazism were in their own special ways answers to the new problem. The situation in which all these theories arose was one of general dissatisfaction. Nazism and Fascism were more nationalistic than either socialism or communism. But all these theories have one thing in common; they all fight liberal democracy on the basis that it does not insure the common weal against the selfishness of the individual. And while Communism looks at the common weal as that of the Proletariat, Nazism gets inspiration from the German nation only - with no distinction between the proletariat and the bourgeoisie, for its aim is to merge all the nation in one solid unit - National Socialism. Fascism in its application, is very much like Nazism, though it differs from it theoretically. However, all these theories aimed at changing the social order, and establishing a new order in which, according to each theory, justice will reign and rule. The promise of Communism is a world community in which there is nobody but the proletariat. To arrive at it Communism works for the establishment of the dictatorship of the proletariat as the first step towards the classless society. Socialism has practically the same theory. Nazism, is a national movement. It believes in the state and the nation. It is not compatible with the ultimate aims of Communism, though like Communism it aims at creating a social order (National) that will do away with the injustices of capitalism. Fascism is much of the same caliber as Nazism, and although it differs from it in theory, it resembles it in practice.

These movements in Europe were trying, as some of them are still trying nowadays, to rally around them as many followers and adherents as possible. Each one of them through its elaborate system of propaganda was trying to win the confidence of the masses, because all of them were essentially mass movements. The picture each one drew of the new order which it was working for was as luring as could be. All of them were trying to show the people of Europe the injustices in the existing capitalist societies. By ^{and} large all of them in general and communism in particular, were exerting a very great influence on both the workers and the intelligentsia of the haggard European nations to revolt against the existing order and to establish a new order which will be more perfect and just.

To go back to the question we asked above. The question as it is put implies that 19th century society was so much permeated with injustices that only a radical change, could purge it from them. But strange as it may seem this was not the general thinking of the proletariat, or even the peasants, but that of some middle-class people who, with the mentality of the middle-class, could criticize their class and the social organization based on it. They were people who felt the misery of the workers and tried to do away with it. The workers were not aware - fully aware - of the exploitation they were undergoing. Nor of their power, once organized. Not even Fourier or Proudhon or even Louis Blanc made them fully aware. But after 1848, and the communist manifesto, the workers' consciousness

of themselves as oppressed classes, was intensified, and took the form of the hatred of the bourgeoisie. This led in due course to the formation of socialist parties, and unions - the most notable of which were the communist parties which established the First International.

But not all suggestions for bettering the lot of the workers were practical through and through. Communism remains in essence a Utopia, though the intermediary stage, the dictatorship of the Proletariat, has already been put into practice. Nevertheless the dictatorship of the Proletariat is not communism in essence, but a step which may or may not lead to communism. Nor was socialism more practical than communism. For genuine socialist thinking leads more to some sort of anarchism than to a more just and perfect order of society. Proudhon, for instance, ended in some sort of anarchism - and in that he was the logical conclusion of William Godwin. The Saint-Simonians were more religious than political in their thoughts, for they advocated some sort of a society built on the christian concept of love, and in which property is shared by all, though not belonging to any one as such. Fourier, who was more of a nationalist than an internationalist did not escape the impracticality of his scheme. Louis Blanc - who is by far the most radical among the French Socialists - failed to grasp the fullness of the situation. His idea of National Workshops, did not even appeal to the workers of Paris! Yet all of these writers did not write in vain. If they had swung to the other extreme

it is because they were so much disgusted with the social, political and economic situation of their country that nothing seemed to offer them a panacea except a social organization in which nobody owns anything, and which is essentially for the welfare of all. Like Plato they were idealists. Their what-is was so horrible that the only way to change it was to run away from it. Like Plato again they tried to realize their ideal but failed, because they overlooked the what-is. Running away from a problem does not solve the problem - but makes it more intricate. And though some of them tried to be more practical than others, yet they could not be practical enough. At any rate their claims were just. Society, as it was then, was not just. The Socialists were correct in predicting that the more the number of the Proletariat grows the greater the difficulty becomes for the Capitalist Society to cope with them. But they made one error, a great one in fact: they thought that there would come a time when nobody remains in the world but the Proletariats. They hoped to hew down class distinctions by making all the world population proletarians. But if the Bourgeoisie goes what will be the *Raison d'etre* of the Proletariat? Will the proletariat qua proletariat remain?

However, the Socialists were right in claiming that the industrial society was an unjust society. For in a society permeated with the idea of *Laissez-faire*, free trade, competition and monopoly the masses, the people in general, are not cared for. What the individual competitors think of is their personal

interest. If the masses gain anything from their competition, that is only accidentally. No industrialist in a society of laissez-faire would care for the rights of others. Personal initiative is directed towards one's own private interest, and not towards that of society. The masses are therefore oppressed. This oppression was enough to rally many of the workers together and to establish in the long run groups and parties which were antagonistic to the Bourgeoisie. The Bourgeoisie though conceived as a class by the Proletariats, remained for some time, divided among themselves, especially because their interests as individuals were antagonistic too. It is due to the proletarians themselves, to their class consciousness that the Bourgeoisie became conscious of themselves as a class/^{the} interests of which were not in conformity with those of their antagonists.

It is no use therefore to run away from the fact that the interests of both Proletarians and Bourgeois were in conflict, and that this conflict was necessarily due to the injustices of the new order... Our study should be directed therefore to these new theories of the social and economic organization of society. But before we do that we have to acquaint ourselves with the general conditions of life in Europe right after the outbreak of the Industrial Revolution. Randall explains that so clearly that we do better quote him. "... We are still attempting to order our political life through beliefs and institutions conceived in terms of the problems of the rural and frontier colonial civilization; we are still trying to direct

an economic society in which the giant corporation and centralized finance are the chief features, by ideas developed to meet the needs of eighteenth century commercial and agricultural England and France; we are still seeking to regulate our international relations upon principles perhaps necessary to the world just emerging in the fifteenth and sixteenth centuries from the universal dominion of the Church; we are still endeavoring to adjust our conduct and our human relationships by an ethical code that originated in ancient Palestine over two thousand years ago".⁽¹⁾

This foregoing quotation sums up the case of both Socialism and Communism. These two theories were trying to think in terms of the present conditions, and were fully aware of the deficiency of the old regime. And though the Industrial Revolution was a very progressive movement yet few only could realize its implications. For it meant very implicitly that the age of individualism had gone, namely, the age of the complete integrity of the individual, his liberty to act as he would like - all this was brought to an end. Society began to ask for its rights - its legitimate rights, by the fact that man is a social being, and that it is only in society that he can realize himself. The Industrial Revolution which upheld the individual and made him master of nature, brought him down just because his individualism was carried to the extreme, and thus became detrimental even to him. The belief that man is the best judge of what is good for

(1) Randall; The Making of the Modern Mind; p. 595.

himself began to shake. For in concrete facts man is not always the best judge of what is good for himself. And if he for one could not curb his individual and necessarily selfish impulses, somebody else had to do that for him. This is the main theme of Socialism. "It is the conviction that modern society can no longer be left to develop and function without guidance, but that intelligent social control must be devoted to the welfare of the entire community".⁽²⁾ This is what socialism was asking for.

(2) Op. Cit. Randall, p. 628.

C H A P T E R I I I

The Progress of Socialism

That the social order of the industrial society was unjust, and that Socialism had a rightful claim to change it, are two points that we should not forget. Apart from the fact whether the Socialist reorganization of society is tenable or not, there remains the unshakable truth that the industrial society existing under capitalism does not furnish man with all that he needs - security and justice. Men like Owen, Fourier, Saint-Simon, Cabet, Proudhon, Rodbertus, Lasalle, and Marx were people who witnessed the growing discontent of the masses, and the misery in which the majority of the people were drowning. We may or may not, however, accept their solutions. But we cannot say that they were imagining things. What they saw and experienced were facts, which nobody, with any sense of justice can overlook. Many of their solutions may not be practical; but theoretically they hold true, because they represent in their inner depths a revolt against an unjust order - an order in which human beings were turned into machines, through the exploitation of the big industrialists. But we say again that that does not necessarily mean that the solutions offered by Socialists and Communists had really bettered the lot of the exploited. Our position is different. But an explanation of their theories is necessary.

Most of the socialists of the nineteenth century were French.

Some of them were English. The German Socialists cannot be in fact understood except through the French because of the influence the latter exerted on the former. At any rate the attempt here is not to expound the theories of these socialists individually, but collectively, because, apart from Marx, all the other Socialists thought practically on the same lines.

In discussing socialism all socialists agree that so long as the means of production are in the hands of the Capitalists, and so long as the workers are not given their due share in the things produced justice cannot obtain in society. The attention of the Socialists was hence drawn towards finding a way in which disequilibrium may be changed into equilibrium, and in which all the people, bourgeois and proletarian, may enjoy the fruits of an equal distribution of the benefits of both capital and labor. Essentially, therefore, there is a dominant idea of equality, of the kind which gives distributive justice; an equality which distributes the goods of society on the basis of merit, and not on the basis of blood, or mere material wealth. Equality, therefore, is a dominant idea in Socialism, and is in fact its real basis. But not all socialists understand it in the same way. And it is here therefore that we must look for the difference in their 'practical' solutions.

Distributive justice on the other hand is another distinctive idea of Socialism. "It aims to distribute economic goods according to the services rendered by the recipients".⁽¹⁾ Thus

(1) Richard Sly, Fr. & Ger. Socialism in Modern Times, p. 30. Harper & Bros, New York 1898.

we see that both equality - which is essentially an equality of being, that no man is naturally better than another - and distributive justice are the two main tenets of Socialism. Again Socialism is interested in society as such and not in individuals. "The aim of society is the happiness of all, and happiness consists in equality".⁽²⁾ These words of Babeuf echo those of the egalitarian Utopists; for equality is understood by Babeuf and his followers not as that of opportunity or even being, but absolute and perfect equality, the kind of which cannot be found in a world like ours, but in such worlds as described to us by saints and mystics. Nevertheless, Babeuf retained somehow a tinge of realism in him, which prompted him to declare that this absolute equality (ownership is included, of course) would not be attained at once, but rather by degrees, that large and common property should be formed of corporations, and that individual property should be turned in to the nation upon the death of the individual for inheritance would then be abolished. "Thus all property would become nationalized in the course of fifty years".⁽³⁾ But even with this semi-practical scheme Babeuf remained a Utopian socialist, for absolute equality is not a natural phenomenon.

Of the French Socialists who figure up augustly in the history of Socialism, and who interest us particularly in this thesis are Fourier and Proudhon. As to others, like Cabet, Saint-

(2) Ibid., p. 34.

(3) Ibid., p. 36.

Simon, and Louis Blanc, the thesis, in its present form, does not attempt to include them, because of the little bearing they had on the "practical solution" of the problem of justice in the industrial society. Cabet was a Utopian of the first class; Saint-Simon could be more easily be called a neo-capitalist than a true socialist. He envisaged the Neo-Capitalism as freed from all parliamentary criticism, because he believed that criticism was incompetent when coming from a Parliament. However, his neo-capitalism was not like the old one, permeated with individualism, but rather working for the common good. Louis Blanc drew much on the teachings of Saint-Simon, especially those related to the state. In contradistinction to the latter he thought in terms of *la société propriétaire*, and not *l'état propriétaire*. The difference, however, is not very great, as Louis Blanc had supposed. His Utopia of National Workshops (for such it is) has failed to be realized mainly because, like all utopias, it asks more of human nature than the latter can actually give.

With Fourier and Proudhon we come to the real advocates of Socialism before Marx.

Fourier was the spokesman of the aggrieved lower middle-class, who defended them, or thought he did, against the danger of being crushed by the superior force of the plutocracy. As all socialists, he was against the individualistic concept of *Laissez-faire*, and believed that the roots of the evil in society were to be found in competition and speculation. His ideal was

therefore that of a society in which both competition and speculation are done away with as bases of economic organization. The economic order of society was unjust due to a distribution of wealth. His scheme was hence a new organization of society in which justice could obtain through a just distribution of wealth.

Two important ideas appear in Fourier's social philosophy: association and happiness. By association he means that 'all-pervading attraction which draws man to man and reveals the will of God. It is passionate attraction - attraction passionelle. It urges man to union'.⁽⁴⁾ This law of attraction, which resembles Aristotle's dictum, (man is by nature a social "political" animal) is a universal and eternal law, which has been driven off its course by obstacles laid down by men. Consequently the only way to bring back this law into its right domain is by throwing away these obstacles. Then we can attain universal harmony. These obstacles are attributed to the distorted conception of human existence, which had rendered men less aware of their attraction to and therefore association with one another, and more ego-conscious and selfish. It is only when men live according to the law of association that justice reigns among them, for they have no need to fight for anything. Economic goods will be in abundance, and "products will be increased many-fold, owing first to the operation of the passion to labor

(4) Ibid., p. 91.

and to benefit society; secondly, to the economy of associated effort".⁽⁵⁾

Happiness, however, seems to be the end towards which Fourier's social scheme aims. He believes that happiness - which he does not define - depends upon the 'latitude allowed to our passions.' It is his belief that our present society, industrial as it is, and unjust, cannot allow free play to our passions, so that they may be able to combine harmoniously. And harmony cannot be found except in "combinations of suitable numbers in communities known as phalanxes, occupying buildings called "phalanstere",⁽⁶⁾ and each phalanx will constitute of approximately 1600 persons."

Fourier's socialism is not as utopian as that of Babeuf. Private property - capital - was retained. Inheritance, though temporarily, was recognized. The division obtaining by necessity among the phalanxes was not much different from the division of society into classes. However, he was trying to reorganize society through a system which he hoped, and later was sure, that it would establish justice. But though he took the trouble to explain the minute details of the phalanx in a very realistic manner, yet ultimately he remained an idealist. It is true that his idealism was different from, and more realistic than, that of Babeuf and Cabet, but his whole conception of phalanxes, and that of the law of eternal association, keep him

(5) Ibid., Vol. VI of collected works of Fourier, Paris, 1848 - quoted by Sly, p. 91.

(6) Ibid., p. 93; Op. Cit. Gray, p. 184.

out of the domain of pure realism. He divorced economics from politics, and thought that each could be exclusive of the other. Like Saint-Simon he did not make use of the political machinery of the state to arrive at his ends. His dislike and natural hatred of violence, led him to believe that passionate attraction, desire for happiness, religious fervor, brotherly love, were quite sufficient as moving forces. But they were not. Fourier's scheme was far more theoretical than he thought. Nevertheless it did not pass away without exerting some influence; for it had negatively influenced the teachings of Marx - especially through its conception of harmony, which corresponded in Marx to the conception of the classless society, and through its theory of labor. But in general Fourier's socialism was not as scientific as that of Marx.

Revolt against authority may sometimes end in anarchism the denial of authority, a point of which Marx was aware, and doubtful. That is why he did not advocate the complete and immediate overthrow of the state, but rather its use by the proletariat to pave the way for the classless and stateless society. Proudhon, however, who exerted a great influence on Marx did not share this view with his disciple. He was more in the path of William Godwin than any other French or German socialist. And strange as it may seem, Proudhon, who was essentially a man of contradiction and paradoxes, produced a socialist system which may be virtually called individualistic socialism, or socialistic individualism, in spite of the contradiction and the exclusivity

existing in these two terms.

Proudhon is known to us for two phrases:- 'Property is theft', and 'God is evil'. What did he really mean by that? We know for sure that he set himself to unite absolute individualism with perfect justice, because he was a believer in the dignity of the person, (and in that he was not much different from Kierkegaard and in perfect justice, which was the final aim of all socialists. In spite of the fact that this combination entailed a contradiction Proudhon set himself to coordinate it in what later came to be the anarchist society in which every person is respected for the dignity in his being, and in which all persons think not of their selves but of themselves, owing to the fact that God is nothing but Justice. It is true Proudhon rebelled against clericalism and the rituals of the religion. But at heart he was a deep religious man. His conception of God as justice enflamed him; all his writings betray some sort of weakness of the human soul - which because it is a soul - should not be outside the orbit of its reality. There is always in Proudhon a deep call which flares up every now and then - a religious call of God to all human beings, to unite in God. Proudhon was in a sense drawing, in his system, the picture of the Kingdom of God with earthly materials...

Property is theft. The theory of occupation is destroyed by Proudhon on the ground of common property. For if the soil did not originally belong to a private individual, then it must have belonged to all collectively - and "all will not and cannot

renounce their right to this common possession". But common property, believes Proudhon, cannot be surrendered any more than life or liberty. And should we stick to the theory of occupation then, we must admit as well, that property depends upon accidents of number of population and extent of territory. Those who are born too late will be property-less. (7)

The theory of labor gets the same attack from Proudhon, as that of occupation. For it maintains that property belongs to him who labors for it. Thus the moment another person labors on one's land, for instance, he has the right to one's property. Proudhon's point here is not very deep. For ownership of property does not depend on so simple a principle as human labor. His major point, however, is that, the labor theory like the occupation theory, destroys property. That is possible if labor alone or occupation alone is taken as the basis for ownership. Property becomes theft or robbery when the one who owns but does not produce enjoys the fruits of other people's labor. On this basis private property is condemned. But it is not communism which comes to replace it, for the collective ownership of property is worse than its individual ownership, for then it is a whole community which is unjust. Private property is unjust because it is the robbery of the weak by the strong. Communism is also unjust, because it is the robbery of the strong by the

(7) Cf. Sly, Proudhon, pp. 124-142 (quoted by Sly from Qu'est-ce que la propriété, pp. 130-137).
Op. Cit., Gray, pp. 237-239; and W. Willoughby, Social Justice (N. Y. 1900), pp. 125-130.

weak - the proletariat. "Community is inequality, but in an inverse sense from property. Property is the exploitation of the weak by the strong. Community is an exploitation of the strong by the weak. In the system of property inequality of conditions result from force In community inequality springs from mediocrity of talent and labor elevated to an equality with force".⁽⁸⁾ Thus Proudhon is against communism mainly because it is based on property - that of the community; also because communism is inherently unequal, for it is the robbery of the strong by the weak. But what sort of equality does Proudhon really want? "Equality consists in the equality of conditions - that is, of means - not in the equality of well-being, which with equal means ought to be the work of the laborer".⁽⁹⁾ His concept of equality is that of equality in liberty, which he later identifies with liberty. Equality becomes to him liberty, because he believes that liberty exists in a social state only, and without equality there is no society.

Proudhon is not very clear about equality. He lends himself into many contradictions which are irreconcilable. He remains inconsistent; and that was one of the causes that made Marx attack him as being unable to understand either society or socialism. He attacked him also because of his pacificism. For Proudhon believed that socialism is not a doctrine of revolution but of reconciliation, a synthesis. Nevertheless he could not

(8) Op. Cit., quoted by Ely, p. 134.

(9) *Ibid.*, p. 138 (quoted by Ely from Qu'est que la propriété, ch. V. 2e partie, sec. 3).

reconcile it with the concepts of property, equality and community.

However, Proudhon remains by far the most important of all French Socialists. He had a very keen insight into society and its social organization. His deep sense of justice which was more religious than social, led him to conceive of a society which would be based on the maxim "to each one according to his capacity; to each capacity according to its works". The most important idea in his theory is that of equality, equality of conditions as the condition sine qua non of social life. It is anarchical equality, no doubt, but it is not that same equality of Babeuf or Cabot which destroys the meaning of reward. Other things being equal, then each worker would get in terms of a salary or a wage, that amount equal to work done and proportional to faculties. This wage, Proudhon holds, is equal to the "reproductive consumption of the labour". "The act itself by which the laborer produces is then this consumption equal to his production". (10)

Proudhon's final position is that of an anarchist, whose anarchism is more religious, or rather spiritual than political. His conception of justice as 'sentiment sui generis' or of God as 'Justice in Himself', or as the synthesis of the law of selfishness and the law of love', the 'social sacrament of liberty' makes of it a goddess. However his idea of justice may be said to occupy the same place in his system as the idea of the Good in Plato's. It is not in fact 'economic justice' which other

(10) Ibid., 139 (from Qu'est-ce que la propriété, p. 157).

Socialists were looking for, nor 'justice' of the liberal schools. It is the centre of a whole system, the first and last word of a new religion - the new version of Christianity by Proudhon. It is above economics and politics. It is an idea which ingresses into society to purify it. Proudhon, in his system of the economic analysis of society, was, he thought, preparing the way for justice to ingress in society. Justice is not only an ideal, it is a reality. It is a faculty similar to that of loving - a faculty without which no other form of justice could subsist.

Section 11

Before turning to Marx we have to give, within the limited scope of the thesis, a brief survey of English Socialism, keeping in mind, that English socialism is particular to the English temperament. It is thus, unlike French or Marxian Socialism, neither absolutely Utopian, nor revolutionary. It strikes a middle road between the two extremes, and confines itself to the domain of evolution.

The most notable among the English pre-Marxian Socialists are two: William Godwin, and Robert Owen; the latter being more of a socialist than the former. Both these writers saw the misery in which their nation was at the time when they were living. They both felt that justice, in so far as it is equity and fairness, did not exist in society. And both of them, again, attributed its non-existence to a misconception of human nature. Thus

once a truer conception is enunciated, the whole edifice of misery and injustice will collapse, and a new building will be erected in its place, permeated with happiness and justice. The question was, hence, one of premises, of attitude, and not one of the actual working of society; so that if the premise is that the rich should rule and the poor should obey, then there is no point in raising the problem of justice, for justice means, then, that the situation defined by the premise should remain. Or that if the premise be that man has no rights as an individual, but only as a member of society, then there is no point in fighting for individual rights under such circumstances without changing the first major premise. To Godwin, and later to Owen, this was the major problem for the reorganization of society on the basis of social justice (comprising both economic and political justice). The view held by the majority about human nature is wrong, says Godwin; and society will never be able to achieve justice if it clings to it.

That was, therefore, the first step of Godwin - to change the opinion of the people about man. Again, we should remember that Godwin's thinking was permeated with the ideas of the Enlightenment, and more so with that of Reason. He believed that man could never arrive at the solution of any problem in his life save through reason. He cherished a very strong belief in man's perfectibility and rationality; this is a natural outcome of the Age of Reason. And as a result of that he held the belief that man, by nature, is neither good nor bad, except in so far as

society and circumstances have moulded him. Unlike Rousseau, he conceives man as if he were a tabula rasa from the point of view of goodness or badness. Consequently, for everything that man does it is society which is responsible. But since man is a reasonable being, he can be brought to listen to the voice of reason and do right, for "the problems of life are intellectual problems".⁽¹⁾ Thus it is not, in fact, the physical environment which gives the real shape of a man's character, but the mental or intellectual. In his own words, "it inevitably follows that physical causes, though of some consequence in the history of man, sink into nothing, when compared with the great and inexpressible operations of reflection".⁽²⁾ Accordingly, to remedy society and regenerate man we need, what Godwin calls: Education, Literature, and Political Justice.

We need Literature to extirpate existing prejudices and mistakes, to illuminate the minds of the people with the light of truth, which is, as he says, infallibly struck out by the collision of mind with mind.⁽³⁾ We also need Education to teach the people and make them know the right. But at that he stops, for how can a teacher, who is not himself educated rightly, educate the people? And how can we escape this most perfect vicious circle? Godwin, upon getting aware of it, dismisses it altogether for the time being.

Thus we come to his last engine for advancing mankind -

(1) Alexander Gray, The Socialist Tradition, Longman's, Green & Co. Ltd., p. 117.

(2) Ibid., p. 117.

(3) See Gray, p. 118.

Political Justice. The term itself has a very queer meaning. It means, as he puts it, "the adoption of any principle of morality or truth into the practice of a community".⁽⁴⁾ It means also 'the right kind of political machinery', and thus has to come first before any attempt is made to improve man in any particular point. This follows from the first general premise that Godwin adopts, namely, that it is the environment which moulds man. To be able to regenerate man we need to establish a society in which political justice prevails. All evils are thus incarnate in society and not in man - strange as it may seem. If every man, says Godwin, could with perfect facility obtain the necessaries of life ... temptation would lose its power.⁽⁵⁾ And prevailing poverty may, as it usually does, have repercussions which are generally detrimental to society itself. It thus makes for a state of class war and hatred: the poor will always hate the rich, though unconsciously they may admire them. Godwin is interested in the 'hatred' only, and fails to see that the injustices prevailing in the economic sphere are also due to the fact that there is among the poor a lust for riches. And it is this very point which Marx has later intensified so as to create the hatred between the classes and lust, on the part of the proletariat, for the riches of the capitalist; both 'hatred' and 'lust' being the two factors for the creation and success of the Proletariat revolution.

(4) Quoted by Gray, p. 118, from Godwin's Political Justice.

(5) Ibid., Gray, p. 119.

To go back to Godwin's analysis. In such a state of prevailing poverty justice demands that each contribute everything in his power to the benefit of the whole. But this "whole", or "Society" is not the final end of Godwin, for Godwin is an individualist who goes to the extreme and believes only in the individual as such. That is why he condemns marriage because it rests on promises which should not be given, and on cooperation which is, to a certain extent dependence of one on the other "which must again entail some disobedience to the dictates of one's own conscience in the matter of justice".⁽⁶⁾ But all these criticisms of marriage seem so weak with respect to his condemnation of marriage as a system of fraud, and as the most hateful of all monopolies - a condemnation which echoes in it the words of the Communist Manifesto: "The bourgeois family will vanish as a matter of course when its complement (the practical absence of the family among the proletarians, and public prostitution) vanishes, and both will vanish with the vanishing of capital".⁽⁷⁾

But he does not stop there. He goes further and condemns government, which according to him, springs from weakness and is therefore an evil, though not a necessary one, as Paine puts it. It must not be preserved, nor even modified. It must be abolished, for man should obey no one but his reason. The only form of government, if that may be so called, is anarchy. Now if government is to be abolished, law must equally be treated, for it is

(6) Ibid., p. 123.

(7) Communist Manifesto.

not urgently needed in a society contented with the rules of justice. In this we feel the deep influence of the Natural Law school on Godwin, who contends that society must be governed by that which is natural to it, namely Reason. What is to take the place of law? Here again we find traces of the ancient past. Godwin approaches the view to which Plato tends in the Statesman, when he says that the true principle for government is to be found in "reason exercising an uncontrolled jurisdiction upon the circumstances of the case". (8)

In the case of property, Godwin does not try to annihilate it as he does with marriage, government, and law. What he advocates is a restriction on the part of the owner of the use which he makes of his property. However, it is 'justice', the voice of reason, conscience, which has the final judgment. For although he admits that an article of property belongs to him who needs it most, yet to judge who needs it most is the significant question. And Godwin says in this connection that it is justice or reason which has the final word, and in this case it is individual reason which judges.

Godwin is an individualist, and an anarchist. His socialism, like that of Proudhon is based on the individual and not on society. He is also not a scientific socialist like Fourier or Marx, but a utopian, intellectualist who gropes with ideas, but never arrives at a substantial fact. He is very logical in his deductions, but not so real in his premises, which I consider,

(8) Quoted by Gray from Political Justice, Gray, p. 130.

to be completely wrong as they stand. There can clearly be no justice in a society which fails to understand itself. Moreover, how could reason fail to account for the existence of authority? Even when we adopt extreme individualism, are we not at the same time proclaiming that the individual has no supreme authority over him except his reason? We could, as a matter of fact, have 'a general will', a 'common weal', a 'general interest'; and when clearly and distinctly expressed they are not at variance with the individual's authority over himself. After all the individual, as a unit, must point to something greater than he. This Godwin has failed to define, because his premises were untrue.

When we turn to Owen, we are confronted with a man who stands unique in the history of socialism, for few figures in its history have succeeded in representing the combination of theory and practice. Money meant very little to him with respect to his socialist theories. What interested him most was not how to earn money, but how to spend it in the best way to get the best results. That is what has made Owen an 'existential socialist'; for his life was his socialism. He was not advocating socialism and leading at the same time a highly bourgeois life. He was doubtless trying to achieve during his lifetime the model of communal living which he believed would be the

shape of things in the future. And that is what makes him an ardent socialist in his own way.

Like Cabot who created Icaria, and dreamed of the Icarian Society, Owen created the New Larnak society. But the difference between the two socialists is very great. For whereas Cabot has failed in establishing his Utopia, Owen has succeeded in socialising the life in New Larnak. When he came to it, it was, like most of the counties at the time of the Industrial Revolution, highly degraded. "The adult population seems to have consisted largely of thieves, drunkards and blackguards".⁽⁹⁾ The ideal of Owen was to turn this citadel of vice into a model village. He succeeded to a large extent, and the village became a place of pilgrimage, and a model for other villages and similar places to follow. The change that had befallen it was unprecedented; nobody who knew the village before the coming of Owen would be inclined to believe that it was the same one. Or, as Owen put it towards the end of his life, the inhabitants of New Larnak have been, "literally a self-employing, self-supporting, self-educating, and self-governing population". This is an indication of the latitude of success which Owen has achieved.

But if Owen was original to a certain extent in practice, he was not to that same extent in theory. He thought he was a pioneer, when in fact, as Gray puts it, "he was but playing amateurishly with problems which have engaged the mind of man since the beginning of time".⁽¹⁰⁾ It is true that he attacked the abuse

(9) Ibid., Gray, p. 200.

(10) Ibid., Gray, p. 203.

of labor, and that he began fairly early in his New Larnak days to advocate his famous 'parallelograms', but that in itself was not pioneering, for many before him (Babœuf, Gabet, Fourier) had thought along these same lines and were, in fact, more deep than he in analysing the inner structure of society. Nevertheless we cannot deny that Owen has pushed forward not only the theory, but also the practice of socialism, and has proved in his own life that one could live a socialist life.

Like Godwin's, Owen's philosophy is comprised in one proposition; that one's character is made for him, and that accordingly no one is in any way responsible for what one is. This is reminiscent of the famous doctrine of Godwin, that "it is society which moulds the character of man." And again there is in Owen as in Godwin the same stress on education, which, he believes, is capable to produce the perfect community; ignorance being the major hindrance. To establish justice in society we need thus to strike out ignorance and pave the way for a more homogeneous social intercourse. But this position of Owen's is by no means original, for he treads in the same path of Godwin. With the latter he held that men have their character formed for them, that no one freely wills his beliefs; that no one is even responsible for anything, and thus consequently that punishment must be abolished. This is a very dangerous philosophy, for it may end, as in the case of Godwin, in absolute anarchy which is the least that man should aspire to if at all.

So far there is little of the true socialist doctrine,

although the parallelograms, or the cooperative settlements of New Larnak are in practice communistic settlements. But Owen does have a theory, which, he believes is capable of remedying society and establishing justice. His theory consists in educating the people in socialism, to live in communal settlements, as his model village has shown us. It also consists in the repeal of all laws based on the erroneous conception that man can freely will his character; and in abolishing punishment, for punishment becomes unjust if we hold that man has nothing to do with the formation of his character. And lastly he advocates on true socialistic grounds, labor statistics as a preliminary prerequisite on the part of the state for securing labor for the unemployed. This last proposal is in fact one of the original contributions of Owen, which makes of him almost a century in advance of his times. And thus, whereas Godwin has remained an anarchist, Owen, although he has started with the same premise of Godwin, has developed himself into a socialist.

Again, Owen parts company with Godwin on other grounds. He is not an extreme individualist. "He refers to the inventions of the Industrial Revolution as having 'created an aggregate of wealth, and placed it in the hands of a few, who by its aid, continue to absorb the wealth produced by the industry of the many'".⁽¹¹⁾ He attacks the Industrial Revolution on these grounds, and advocates his system of 'parallelograms' as the only possible

(11) Ibid., Gray, p. 209.

remedy that can cure society of the disease of exploitation. According to him justice is capable of existence only in a society run along the same lines as New Larnak, where the people work for the common good and where no laws exist which are contrary to the fact that human beings have no share in the making of their characters.

Owen differs also from Godwin in his conception of private property. For while the latter advocated a restriction on the private use of it, the former, towards the end of his life, came to denounce it with all his vigor. He believed that "it is one of the great demoralising and repulsive powers arising from the laws of men, and is the cause of innumerable crimes and injustices. It is strongly calculated to make man look upon his fellow man as his enemy, and to create general suspicions of the motives and actions of strangers, and even of neighbours... The evils of private property tend in all directions".⁽¹²⁾ This attitude towards private property is by all means a purely socialistic attitude which is reminiscent in its vigor of the attitude of the Communist Manifesto. And it is precisely this which makes of Owen more of a socialist than his forerunner and contemporary, Godwin. One point need be, however, added. With regard to value Owen comes very much near to Marx, for his position is that it is labor, mental or manual, which is in principle, the natural standard of value. But we need, according to this doctrine, to ascertain the amount of labor in all articles, to be able to exchange

(12) Quoted by Gray p. 211, from Owen's Revolution in Mind and Practice.

them at what Owen calls their 'prime cost'. And although the task is very difficult and at the same time not clear, yet Owen remains faithful to the view that money, as we know it, is an evil. Much later he declared that "until we should have disabused our minds of this insane money-mystery, it was impossible that the world could be other than a great lunatic asylum".⁽¹³⁾

Owen's ideal, as he stated to conceive it, was that the whole world would, at one time or another, follow the same pattern of New Larnak and other villages of cooperation. But in this respect he was not different from Fourier or Cabet, or Louis Blanc who believed that competition could be driven out by competition, 'so that the beaten capitalist would come creeping into the workshop.'⁽¹⁴⁾ but remained as they did, a dreamer of dreams and a seer of visions. Nevertheless he has proved by the fact that he lived his philosophy that the modern social structure engendered by the Industrial Revolution was unjust both in theory and practice, and that a reorganisation of society on a newer basis is essential for the achievement of justice. But like Godwin he failed to understand the basic inter-relationship between man and the environment, and that led him to adopt an erroneous view of social life. However, "Owen's life is memorable if not unique, in presenting us with a man who achieved wealth and success (as a manufacturer), and yet, counting those as dross, cast them aside to gain from his fellow-men a

(13) Ibid., Gray p. 215.

(14) Ibid.

greater salvation; 'Blessed is the rich that is found without blemish, and hath not gone after gold. Who is He? and we will call him blessed; for wonderful things hath he done among his people'". (15)

Section 111

French and English Socialism were in general very peaceful and unscientific. It was essentially utopian, except in some of its aspects. The problem of capital and labor was not such a major problem to it. It did not try to give a new definition of economic terms. The workers as such did not mean so much to it as did the whole society. Its interest was directed towards a new society - with no consideration of the possibility of using the present society as a transitory stage. Except for Louis Blanc who was more of a revolutionary than a peaceful reformer, all other socialists had advocated peaceful changes. The dictatorship of the proletariat was the promise of Marx and Engels, and the secret of the success of Marxian socialism, which, though in its ultimate stage may be a Utopia, yet in its transitory period of the dictatorship of the proletariat was no Utopia at all. French and English socialists kept socialism and communism in their theoretical domains; Marx turned socialism into a practical remedy, rendered it scientific, and made of it a Party.

(15) Ibid, Gray, p. 217.

The problem for him was not equality or liberty as much as the ways and means capitalists used to rob the workers of what originally belonged to them. He started a new definition of terms, and in the light of this new definition of capital, value, and surplus value, he drew up the scientific boundaries of socialism in a way unprecedented in history. That was the only way socialism could state its case before the whole world, by defining its terms, and attacking capitalism in the light of its own definitions. Thus Marx would not discuss the problem of justice before showing how the capitalists rob the workers. In a capitalist society labor is always considered inferior to capital. This is what Marx has set himself to vindicate.

Moreover Marx did not rely on the utopian considerations of people like Cabet and Proudhon, but wanted to get socialism out of the utopian abyss into which it was thrown. Unlike the socialists of the early 19th century who based their criterion of economic equality on the idea of love and fraternity, and thus were pacifists, Marx based his criterion of social inequality on justice; thus he was ready to fight the whole world for what he considered to be just. Whereas the early socialists believed that the law of love and fraternity was prior to justice among people, Marx' keen attention was focused on justice as the only possible criterion of a happy life. His critique of the present capitalist society was at the same time the search for a more profound justice, not only formal (i.e. ideal) but concrete and substantial, that would consider economic realities, and not just

imagine them. This concrete justice could obtain in society only if the proletariat as a whole owned the means of production. Nothing of the early romanticism of Babeuf or Proudhon is left. In Marx there is only one thing - the dictatorship of the proletariat. There is nothing romantic about that!

The philosophical question of the relation of the part to the whole, of the individual to society, does not arise in Marx. His concept of justice does not reconcile the individual with the whole. His theory disregards the individual and concentrates on society only. That is why it was one sided; that is why it failed to cope with the real and substantial situation of human life. It remained a violent attack on both the other socialist theories and on the actual order of things, with enough hope and fervor to achieve itself through a general consciousness of the proletariats of Germany or England. But Marx lived waiting for the revolution he dreamed of. It did not come in his life time. And when it came it was not Marxian through and through.

With Marx as with Saint-Simon and Fourier the evil of the capitalist society lies in its very organization - The worker does not get his just share of the profit. That is due to capitalism which, in essence, regulates the economic life by means of capital; i.e. those who have capital control. But to him, as to all true socialists, the essence of wealth is not capital but labor. Consequently the laborer or worker is robbed by the capitalist, and is exploited to such an extent that he is rendered more animal than human. In this he is in accord

with Rodbertus who believed that freedom - Laissez-faire - cannot solve the industrial and social problems of our era. The working classes demand a fair share in what they produce. But Marx went a step further than Rodbertus in that he believed that the only solution of the problem will come when the workers, the proletariat, own the means of production. Thus in spite of the fact that Rodbertus believed in labor as the source of wealth, yet he could not take the radical step of advocating revolution. Marx was the first socialist who noticed the intrinsic relation between politics and economics, hence his doctrine of the dictatorship of the proletariat. The only way that leads to justice in the industrialist era was, Marx believed, when the workers assume political power.

We should not forget, however, that Marx was a disciple of Hegel. Nevertheless he was a Marxian before he was a Hegelian. And though he borrowed the Hegelian dialectic yet he gave it a new meaning, he clothed it with Marxian thinking. For while history, according to Hegel, is the march of the Idea from one stage to another, and while ideas are the foundations of any social system at any period of history, to Marx it is economics which is the foundation of history. It is the class-struggle which gives us the different forms of society that history describes to us. It is, according to Marx, on the economic foundation that the whole building which includes religion, law and science is built. Accordingly therefore it is the infra-structure, the material, which determines the supra-structure, the

ideal, or the spiritual. Never will a political change, determine an economic change. Thus justice will never obtain in society if the ruling capitalists are changed, and replaced by other capitalist. The problem to him is therefore not one of men, of capitalists, but of structure, of capitalism. It is the whole structure that must change if justice is to obtain in society at all.

However, Marx was aware of the role which ideas played in man's history. For he admitted that certain economic structure made possible certain political or social structures, and made impossible other structures. But this qualification of the class-struggle does not attenuate its momentum. For though political ideas within a certain economic foundation might play a great role in shaping society, nevertheless, it is the economic foundation that has the last word. According to Marx democracy as the rule of the people and the majority cannot be applicable in a way approximate to perfection in a capitalist society. For so long as few own the means of production then it is they who rule. And if Marx is ready to concede great many ideas of socialism to capitalist democracy, he cannot give up the idea of class-struggle as based on class interest. It is an illusion, according to him, to believe that there is no clash between the different class-interest in a Capitalist Society.⁽¹⁾ Other socialists, however, have noticed this fact. Their diagnosis has been to a large extent right. But none of them was "courageous"

(1) Communist Manifesto, Section One.

or rather "fool-hardy" enough to advocate revolution as the only panacea.

To Marx the present industrial society has come to a point where it can "easily produce all the requirements of civilization and at the same time leave leisure to each one to make the most of himself".⁽²⁾ In this connection we can quote Aristotle, who when defending slavery, uttered words which carried almost a revolution in them; "If every instrument could accomplish its own work, obeying or anticipating the will of others, like the statues of Dædalus, or the tripods of Hephaestus, which, says the poet (Homer) - 'of their own accord entered the assembly of Gods'; if in like manner, the shuttle would weave and the plectrum touch the lyre without a hand to guide them, chief workmen would not need servants, nor masters slaves".⁽³⁾ This age has come, cries Marx! The only step humanity has to take is through the revolution of the proletariat, to overthrow the bourgeoisie and to establish the just and perfect society. But behind this revolution, we should remember, there is the great assumption that the proletarian world is a classless society.

In this thesis we are not in a position to elaborate the economic teachings of Marx as much as to draw the general broad lines. However, we cannot leave Marx without a general critique of his teachings. It is very clear, though, that Marx's conception of capitalism is full of 'moral indignation', as Lindsey says in his small book on Marx. And it is true, however, that

(2) Op. Cit. Sly, p. 176.

(3) Aristotle, Politics, Bk. I, Ch.4.

just as Rousseau was inspired with an ardent passion for justice, Marx's fundamental inspiration was also a passion for justice. Moreover Marx, as all socialists, was also interested in equality, the equality of all the members of society. Of course, this equality is not that of Babeuf, but mostly of Proudhon, an equality of conditions, of consideration, and in dignity; in general it is an equality which will be at the basis of the distribution of wealth. Marx did not actually degrade man, nor did he belittle his influence. But he did not understand him well enough to be able to understand the concepts of both justice and equality. Though very systematic in his teachings and elaborate in his thinking, Marx could not synchronize between reason and emotion or passion. He was more passionate than reasonable. That led him to believe in a Utopia which was more utopian than that of Babeuf or Cabet. It is true that he was constantly aware of the realism of his system, yet he could not help being an idealist in his deepest trances. There is no doubt that his mind was working and thinking far ahead of what he was actually seeing. His realism and idealism were not reconciled. And he was not aware of them to compromise them. For in fact Marx's life itself refuted his theory of class-war. Was he not a bourgeois, as Cabet, Saint-Simon, Babeuf, or Engels? And so also were Rodbertus, from whom Marx drew a lot, especially the labor theory, and LaSalle, who gave him the theory of the "Iron Law of Wages". That in itself is a refutation. For it means that bourgeois people may be able to think for the proletarians and to have

the same interests as they. The question becomes not one of classes, but one of selfish individuals who own a great deal of the means of production, and who look first for their interests, and only accidentally for those of the other people. Should private property be abolished to be able to establish a just society? The workers could get their due share in wealth if the machinery of the state is in the hands of people who have the general welfare as their aim. It might be true that the people now in government may not want to give up; yet resort to violence should be always the final card in the hands of the oppressed. For violence always breeds violence. The injustices of an order engendered by violence may always be more than those of the order done away with.

Moreover, Marx's theory of value and of society may be said to be at its best an 'appeal to abstract justice'. Lindsey has criticized it so well that we do better to quote him: "Could a system of abstract justice, of just political rights or of a just economic reward, be worked out in abstraction, it would no doubt be of service as a standard. However hard it might be to realize, we should at least get nearer to justice by aiming at the correct standard... The labour theory of value will not really tell us what wealth each separate individual has separately made, and therefore may justly receive. There is no system or principle according to which economic rewards for services can be calculated which will give absolutely just results...- It is an old story that the essence of the demand for justice is a demand for equality, and that the equality

which justice demands is not by any means easy to define... It is always equality of men as members of society... To try to discover a system of economic reward which should be just in itself is to assume that the only purpose and end of society is economic".⁽⁴⁾ But the end of society is not economic as such. It is the self-realization of man; it is the complete achievement of his destiny, which ~~is we do not now know, nevertheless exists and~~ is definitely higher and nobler than what most socialists or even capitalist believe. Man's life is manifold, and economics could not possibly be the all embracing aspect of human existence. Neither capitalism nor socialism, nor even Marxism did achieve the final stage, though we may consider the demands of Marxian socialism in some respects more near to justice than those of capitalism.

In spite of himself, Marx remained an idealist - but one who was so much imbued with Hegelian logic that he believed that there could be no end, purpose, or goal other than that of a classless society where people exist and are horizontally equal. This was a dream, and a very 'industrial' dream. The dictatorship of the proletariat will not induce the change envisaged by Marx and Engels. We have seen what happened in Russia. Today, more than ever before, there is every indication that Russia will never become classless. Needless to say, it is not the proletariat who are ruling, but 'bureaucrats', party members, and dictators.

(4) A. D. Lindsay, Karl Marx, p. 124.

At any rate, there is no doubt that the Communist Revolution in 1917 set itself to bring about the classless society. That was the intention. The consequences disprove it. And in matters of this sort we have got to be practical and pragmatic. The Revolution did not serve its purpose. It changed the ruling class, brought in a new order, but the injustices and the practical difficulties remained. When the Revolution started, it was Marxian - when it ended it became Leninian. Now it is Stalinian. This is a considerable change immanent in its very nature. For it set itself to establish something that is not capable of existence, namely, a classless society.

C H A P T E R IV

Communism in Practice

The Communist Revolution of 1917 was not the first attempt to put in practice the theories of socialism; but it was the only successful attempt. However it was not socialism as viewed by Marx, but it was the dictatorship of the proletariat, the transitory stage between capitalism and socialism. Virtually speaking it was 'practical socialism'. For the early leaders of the Communist Revolution, such as Lenin, were aware of the impossibility of the establishment of the socialist society before doing away with all the aspects of capitalism. The dictatorship of the proletariat is to them the only possible instrument capable of achieving the final aim. And if they do not allow any 'ideas' to circulate among the people, it is because, believing that what they are doing is 'right', they do not allow it to be perverted. However the criticism of the system should not be one sided. For communism, like any other ideology, is both a system and a way of life. It is in both these aspects that our criticism obtains.

That the Communist Revolution has succeeded is an empirical fact that needs no contention. But that it has really served its purpose, is another question that is opened to discussion. The leaders of the Revolution were, doubtless, Marxist. Lenin,

it is held, never wavered in his Marxist faith. But the leaders were none the less aware of the difficulties that such a project would entail. Apart from Tretzky and his followers the leaders of the Revolution envisaged a powerful Communist Russia that would, through its strength, induce communism in the world. They remained true to their gospel, the Communist Manifesto; and they tried to show the whole world that the revolution had absolutely remained Marxian. The dictatorship of the Proletariat, became the dictatorship of the Communist Party - the only group that could carry the ideals of socialism into application.

Communism believes that "the essential fault in capitalism ... is the inequality of power; the goal to be striven for is an equality not of wealth but of social status and cultural opportunity", ⁽¹⁾ i.e. no justice can obtain in society if these inequalities remain. Needless to say, these inequalities are not taken absolutely. For in a classless society where each is being cared for as much as the other, no injustice will be committed against anyone. But this is taken to be purely economic, as if the end/^{of} man is economic prosperity. The trouble with communism is that it never understood man correctly. It is true that economics is an indispensable factor of life, but it is not the whole of life. And if justice could not obtain in a class like the bourgeoisie, could it, and why should it at all obtain in a class like the proletariats?

(1) Francis W. Coaker, Recent Political Thought, N.Y. 1934, p.162.

Let us, however, expound it more fully. Communists, hold with Marx, that the main and immediate task before the socialists is the establishment of a rational and just organization of economic relations. It is agreed, however, that this rational and just organization is no other than collective ownership of the means of production. This in itself is a point for contention, whether or not collective ownership will really solve the problem. For as we have said above, and as we shall show later, the problem of a 'just society' is not to be solved on the economic level only. Man as such points to something other than economics. And it is only with an understanding of the whole that a part could be understood, and thus treated. Communism does that, but only with a perverted whole. However, communism remains a realistic philosophy. It takes cognizance of facts; and in the light of this cognizance it approaches the ideal. "A Marxist", said Lenin, "must take cognizance of living life, of the true facts of reality".⁽²⁾ This is, no doubt, a realistic approach. But it is one of means and not of ends. The end remains a vague ideal. Again Communist Russia is necessarily a Machiavellian society. Communist propaganda is one directed towards choice of means. Any means which is conducive to the proposed end is good. There is in this no consideration of the reality of the end. And it so happened that both the end and the means are wrong, and therefore the whole effort is essentially futile. The results achieved by the Revolution may not prove in the long

(2) Ibid., p. 167 (quoted from Lenin's book, The Revolution of 1917, I, p. 121)

run beneficial to the nation itself, because the error does not lie only in the system as such, but in the end to which the system aims. As such, therefore, if socialism has a rightful claim, communism has perverted it. For it is necessarily true that communism in Russia is not what Marx originally meant by the dictatorship of the proletariat. It is, in fact, more obvious, that Russia today is more akin to Germany and Italy before the war, than to what may be called a true socialist state. It is true, however, that there is a great difference in the economic systems of Russia and Nazi Germany. But that is only in appearance. In reality in both nations it was the party, not the nation, which was sovereign. In both cases the ambition was one of domination of the whole world through the creation of nazi or communist states. Russia may have a more overt program than Germany, mainly because it professes a doctrine which disbelieves in nationalism. But in my opinion that will not save communism from the doom which history will doubtless utter on it.

Communists in Russia use any means to arrive at their ends. Even parliamentarism is used, but in a different way. For according to them there could be no justice except if the communists were in power - the so-called dictatorship of the proletariat. Thus it is for the sake of justice that many may be sent into concentration camps in Siberia, or killed, or tortured, or deported. Their concern is not directed towards the people as such, as much as to the idea, to the abstract formula of the 'proletarian

dictatorship'. In this case the people are slaves; society has no reality. The only absolute reality is that of a 'class'. The only form of proletarian dictatorship is that of the republic of Soviets. But this is not the 'new apparatus' which leads to democracy, as they claim. For what is that democracy which is represented by a group who impose their rule on the millions? How does justice obtain when a big majority is led by a small 'selfish minority'? In Russia, as in all communist states it is not society which counts nor its members within it, but a very small group called the 'representative of the proletariat'. And no matter how much class-conscious these people are there is every indication that they are not society-conscious.

Strange as it may seem communist writers do not deny this. For it is their explicit doctrine, however, that until the masses have become ready to participate in all the activities of a communistic society, "the actual direction of social policy must be in the hands of that minority whose interest and point of view most faithfully represent the long-run interest and point of view of the entire working population".⁽³⁾ Again, this rule of the proletariat is one which is directed to the complete overthrow of the bourgeoisie. For this purpose it is essentially the rule of the elite of the proletariat with the utmost of coercive organization. For in communism there is no compromise. Its doctrine is one of force, one which is characterized by the absolute attribution of force to all political rule. Under no

(3) Ibid, p. 173.

conditions can the individual be free in a communist state, because he does not belong to society, and thus is free within it, and because ruled over by a party, it is not him who is meant to exist, but the idea embodied in the party. This is the greatest perversion of human existence...

Moreover, its insistence on the material side of human nature led it to disbelieve in any liberty besides the economic. Even economic liberty is also wanting. Neither freedom of the press nor freedom of thought exists in communist Russia. For the citizens are not supposed to think for themselves, but rather to accept what is given to them by their leaders. Such a state is not much different from the states of the 17th and early 18th centuries where justice was identified with the will of the kings or the nobles. In Russia, instead of the king there is a party. What the party deems just is just. The people have nothing to say against it, or if they have anything, they dare not say it. Their obedience is compulsory. For, they are told, it is only in abiding by the laws of the state that they really become free and equal. But no justice can obtain in a state whose laws are essentially oppressive and unjust.

"Ce régime, tout comme le Tsarisme dont, à maints égards, il n'est que le continuateur fidèle, a repudié toute liberté de pensée".⁽⁴⁾ This is the opinion of the French novelist Gide, but it is certainly not the opinion of the officers of the N.K.V.D. or the officials of the Kremlin.

(4) André Gide - Retour de L'URSS, Paris, 1926, p. 66.

But that is not all. To the communists nothing is of importance except their creed. Human beings do not count. The fight must go on until the socialistic state is established. But how long does that take; how much should the people suffer - are questions which the people have no right to ask. It is the Party which decides for that. Meanwhile the people have to accept all measures. And so far the people have accepted the measures, because they are forced to.

In such a state there could be no justice. When all freedoms are suppressed and where people are not expected to think the way they like, but the way the Party likes, where even communists are charged with offenses which they have not committed, where people are deported in thousands to concentration camps, and where nobody is friendly to another⁽⁵⁾ - in such a society we cannot speak of justice. We may however accept the argument that a few must be sacrificed - when the sacrifice is needed - for the sake of the many. But in Russia these few - those who were killed, deported, or imprisoned - are not sacrificed. For the majority of the people are still suffering from the same measures. They have been killed because they were considered 'enemies of the people'. As a result of this there is no consolidation of the people, but a solidification of the Party organization. What is of importance in Russia is not therefore the social life - but the idea of communism. That is in itself good. For it is very noble to devote one's life to an ideal.

(5) Gen V. Kravchenko, I Chase Freedom, Chaps. 8 & 10, (N. Y. Scribners and Son, 1947).

Christians, in the days of Nero, preferred to die than give up their faith. But there is a great difference between christianity and communism. Whereas one is based on love the other is based on hatred.

One of the standards by which the value of any political system is tested is the kind of life it gives to the people. And such political systems pertain to all the aspects of human life. That is why communism - as it is in Russia is not only a political system in the strict sense of the term, but a way of life. Those who are communists are expected to lead a certain life which is already patterned for them. Even in their private relationships they are 'guided' by the principles of communism. "Having joined the Party, a man is forever caught. He might be expelled, which would be a disaster for him, but he could not secede".⁽⁶⁾ If that is true of a communist - what can the majority of the people, who are not Party members, do? They have no choice. They have to live as the Party wants them to live. Otherwise they are liquidated. That is how the communists conceive of justice.

Justice demands in the Soviet Union that people - suspected of any counter-revolutionary tendencies - have to be tortured, deported, or killed. Forced labor camps do not seem to contradict ~~in~~ the Soviet Concept of justice; nor does repression of all freedoms. People are not allowed to criticize their government. For the Soviet government is taken to be the most sacred of all institutions in Russia. What they may criticize - as workers -

(6) Ibid., p. 132.

is their factory management. (7) But that has no bearing on their lives as much as has the system which is imposed on them.

Moreover, it is true that the social status of women has been improved. The woman has become on/ⁿpar with man, but only as a worker - not as a human being. Should the aim of life be that all people live in factories, or be considered as workers only, then the Soviet system may be the ideal form of life. But there is every indication in man's life that it is not meant to be only material. Man does not live by wages alone. As a social being his life is the highest value. ~~No principle, which is man's creation, is worth man's life.~~ And if man's life is not the highest value, there can be no justice in any society no matter how well organized it is. Communism - though it started with an ideal conception of life (in the socialist state) has departed from its ideal, hence it is not just. What it cares for most is not man, (society) but 'ideas' which have no relation to reality. It is not moved by the misery, mostly spiritual, which it causes to the people; it deports people en masse without even letting the world know of it. For its interest is not in the people but in itself. (8) That is why it is dictatorial, autocratic, and despotic.

What is the use of the elections when the workers cannot elect except those who are favored by the Party? This form of 'parliamentary government' is such that only one party - the communist - can have access to power. The whole classification

(7) Cf. S. Webb, "Freedom Under Soviet Rule", Current History Jan. 1933, p. 399-408.

(8) Cf. Soviet Taboo; W.R. Chamberlin; Foreign Affairs, Vol. 13 No. 3; 1935)

and sub-classification of Soviets means nothing politically. It is only a method by which the Communist Party has control over all Russia. Nothing can be done anywhere in Russia without the authorization of Moscow.⁽⁹⁾ And it is precisely this centralization of power that leaves the people no choice of means. There is only one means, and that is, to follow the instruction of the central government. There is only one 'justice', and it is that of communism, namely, of the Party.

Communists in Russia claim that the Soviet Union is the incarnation of democracy; that it is the only democratic government now existing. They base their claim on the fact that in Russia there is no bourgeois class, and that the whole people are workers. If that is taken to be true, it should not necessarily be called democratic. For democracy is not the rule of the people only, but the recognition of the worth of man as a social being, the respect of the sociality of man and his dignity; the assertion of his rights qua member of society - and above all the recognition of social life - life of free intercourse without fear, terror or intimidation - as the highest aim of human life. Should the rule of the people be always the criterion of democratic government then democracy loses all its moral worth, and communism will not be much different from it. But both democracy and communism are exclusive, essentially because the former believes in the value of human life, the latter does not. Again the former believes in freedom of thought and

(9) Op. Cit., Kravchenko, Chap. 9.

speech, the latter does not; this constitutes the greatest condemnation against communism. For what benefit shall a nation draw from the preservation of the authority of its own government when it loses its own soul? What shall it benefit a nation if it wins the whole world to its side but loses its own character and personality? However, that is not the only form of repression to which the Soviet government is prone. For in the execution of its decision "there seems to be a cruelty and a personal injustice which is much to be deprecated.... But all political experience shows that it is a positive injury to the community itself to make any such suppression of classes, found to be harmful to the state, the occasion for cruel or unjust treatment of individuals". (10)

All these criticisms, however, mean nothing to the Soviet government, because its conception of man is totally different from ours. And it is precisely because it considers man as a wage earner only (for it does not care for the bourgeois) that it is fallacious. Man, or rather the human reality is not exclusively material. Man is, doubtless, in need of material goods; but he needs 'spiritual goods' too. He needs to be recognized, respected and loved for his own worth as man, and not as a mere worker. And history is not the struggle of economic classes only. Economics is not the science of human life in its entirety. It pertains to an aspect of human life, to that outward relation between man and man within society, or between

(10) Op. Cit., Webb, pp. 400-408.

societies. If the capitalist system, described as the rule of the bourgeoisie, is unjust, communism is the negation of justice; for it is nothing but the reverse of the former. Exploitation has remained, but under a new guise. Instead of the capitalist exploiting the works^{as} we have, in theory, the workers toiling and working for the welfare of all; but in practice, the workers are exploited by bureaucrats and high Party officials. They are not even allowed to have their own private means of recreation. They have become 'still' parts of the gigantic industrial machine and lost all dignity and worth which are intrinsically human.

Despite all these criticisms it is futile to deny the social reforms introduced by communism in Russia. There is no doubt that the five-year plans have increased manifold the output of the U.S.S.R. Until the Second World War there was a state of plenty in Russia. But all this material wealth was achieved at the expense of spiritual deprivation of the people, and of their enslavement. The system as it is now in practice has done away with unemployment, but it has not yet solved the problem of social justice.

Indeed communism in Russia has practically done away with illiteracy. "The illiteracy of 70 per cent of the population, which was the legacy of the Tsars in spite of all their endeavours, has decreased to between 5 and 10 per cent in the course of one generation.⁽¹¹⁾ But there is a big difference between

(11) F.R. Bienenfeld - Rediscovery of Justice, (London, 1947) p. 176.

the knowledge of reading and writing and that of social cooperation. And does not such a knowledge become of no use when one cannot read except what is assigned to him? This knowledge is not inducing the people to cooperate - for cooperation is based on free intercourse, which communist Russia lacks completely.

However, we cannot but admit the truth in the indictment which communism brings against the existing social order in non communist states. For "neither our methods of production, nor our principles of distribution are capable of explanation in terms of social justice"⁽¹²⁾ Inequalities do exist. Social injustices are prevalent. The great majority of the people are feeling the intensity of the disparities resulting from the social order itself. If they are prone to communism, it is because of its idealism and not of its realism. For it promises the people a paradise - though it has not yet realized it. It lures them no doubt, for it depicts to them the reality of the situation which falls under their immediate experience. It creates in them the fire of revolt, and shows them how better the new world could be. It makes it so simple for them that the whole thing depends on one step - the revolution. Once the proletariat are in power, then everything is in order, and social justice will exist. But it is not so simple as it seems. For our world is complex. Universal panaceas, such as communism offers, are unreal because of the complexity of the world. What may work in one place may not work in another. And thus

(12) Laski, Communism (Home Univ. Lib.) p. 239.

"any solution that is offered to our problems is bound, at its best and highest, to be but partial and imperfect; no single method of social arrangement will meet the diverse needs we encounter".⁽¹³⁾ Communism, therefore, remains a partial and imperfect remedy of our social evils mainly because of two reasons: firstly, it does not have an adequate view of man, for it concentrates on one aspect and overlooks the others; secondly, it conceives the world as being so simple - that a proletarian revolution seems to it to be sufficiently a moving force that cleanses the world of the mire of social injustice. But the fact remains that the world is far too intricate to accept a general and universal panacea like communism, and that justice as a principle of social life is far from being summed up in the dictum 'from each according to his ability to each according to his need'.

Communism stands condemned by its own standards both as a political system and as a way of life. It is condemned because it has hatred and enmity as its foundation; and fear and revenge as its dominating theme - the hatred of the so called bourgeoisie by the so-called proletariat; an enmity between the different individuals of the same community; a fear of the many of the capricious rule of the few - fear of the N.K.V.D., fear of being tortured, deported or killed; and revenge to be taken upon the so-called 'enemies of the people'. In such a state where every body is afraid even of himself, there can be neither justice nor

(13) Ibid, p. 244.

prosperity.⁽¹⁴⁾ Such a doctrine stands therefore condemned by its own values and ideals; by its own condition of a life of self-centered struggle of enmity and hatred; and by its overlooking of those elements in man which are the source of his dignity. There can be no social justice and stability in any society, and consequently in the world except when all the individuals of every society look at themselves as being equal to one another as members of the one and the same society, and when every individual working for the general good of all works also for his own good. It is only in such a society of mutual forbearance, and social cooperation that justice can be firmly established. No theory that distorts the human reality may hope to live. Negatively speaking, that reality is that man is not a wage earner or a producer only; that society is not based on economics; and that economics is not the infra-structure on which the supra-structure, civilization, is based.

(14) Op. Cit., Kravchenko, Ch. 8, pp. 105-108.

C H A P T E R V

Fascism: A New Theory of Justice

While the Russian Revolution was essentially ideological, the Fascist was essentially empirical. When it started it did not have an equally ideological Weltanschauung as its predecessor, the Russian, or its successor, the German (national socialist). It was a revolution for action - a revolution meant to liberate the Italian nation from all the traditional trammels of the past and to plunge it into the stream of international powers, as a strong and vigorous nation. As a revolution it mainly centered around Mussolini himself more than around the Party as such, or a few of his disciples. In essence therefore it was a revolution that had no specific doctrinal attitude towards the different problems of the day. The doctrine was later on developed, when the Party was in full power. And even then the motto for action, efficient action, was action itself.

Fascism as a doctrine could not therefore be divorced from Fascism as a party. Or as one of the theoreticians of the party said, the Party is at the same time the state, the nation, the government, and the productive organization.⁽¹⁾ As such therefore it is an all-embracing theory of life, rather a way of life, imposed by the Fascists on the Italians as the only means for securing justice. Thus as a special philosophy of life it could

(1) Cf. Olivetti: La Reforme du Parlement et le probleme de la representation, dans l'Annuaire 1928 du "Centre International d'Etudes sur le Fascisme", p. 103.

not tolerate the existence of other philosophies - and in that has proved itself to be essentially dogmatic. It is as Mussolini himself has declared "the education to combat, the acceptance of the risks which combat implies, and a new way of life for Italy".⁽²⁾ And since on the basis of nationalism there can be only one way of life, then Fascism is ipso facto the only way - as the Fascists say.

The Fascist attitude to justice, in contradistinction to the democratic and the parliamentarian, is one which considers justice not as an ideal existing by itself outside the scope of the human society, as the early social contract and natural rights theories held, but that it is necessarily a manifestation of struggle based on the unity and the integrity of the nation. Its final domain, however, is Force or Power or Might. This, we must say, is the legacy of the German historical school both in philosophy and jurisprudence - which considers conflict, ~~either in the form of the Hegelian dialectic or Fichte's addresses to the German nation~~ - as the only criterion for justice. Hence the individual is considered only numerically and has no value whatsoever with regards to the nation or the race, better still the state. For to Fascism the state is an end in itself while the individual is only a means - a perversion of the Kantian maxim. And thus all the individual as well as collective energies must be subordinated to the will of the state - the

(2) Pol. & Soc. Doctrines of Fascism, p. 12.

Leviathan of 20th century Fascism.

Essentially Fascism is a reaction against Bolshevism. For while the latter centers around the proletariat, the former has the middle classes as its nucleus. No wonder why therefore the Communists hail capitalism as basically fascist. And in spite of its doctrine of the corporative state Fascism remains a middle class movement which is conservative and reactionary - one that had not assumed the full power over the state ever since the establishment of the Italian monarchy shortly after the unification of Italy in 1870. And the period between 1870 and 1922 (the March to Rome) was no other than a transitory period during which the struggle between absolutism and liberty, between the divine rights and the will of the people went on. In such a state the Italian people had no role in the government. This situation helped to accelerate the penetration of socialistic ideas, (which were finding a very fertile ground among the poor classes), to such an extent that the people of Italy were able to send 156 socialists to Parliament after the First World War.⁽³⁾ This situation horrified the leading middle class, and, at the same time, fostered the Fascist movement which seemed then as the only tool to be used against the masses - a tool which later became a philosophy and a state.

Strongly appealed to by the middle-class in Italy, Fascism was later on to become the dictatorship of the middle-class as

(3) La situation et la Politique du Fascisme, "L'Année Pol. Française et étrangère", 1932, Eugène Reale, p. 146.

distinguished from the proletarian party dictatorship. As such there could not be any other understanding of justice nor of its application than that of the party itself, since the party represents, not its own will, but that of the whole nation, as its adherents claim. Such a theory of justice will never take into consideration any other theory of justice. At the outset, therefore, Fascism, both as a doctrine and a way of life, is inimical to every other theory. This animosity is essentially based on the inherent nationalism of the Fascist doctrine - but this is no doubt, a very extreme nationalism which, in the long run, is detrimental to the very nation itself. For then it becomes quite analogous to the individual who shrinks within himself, loses his sociality, and concentrates on his own selfish interests, thus becoming all the more inimical to society as such. Fascism, in fighting this individual selfishness, has ~~unwittingly~~ taken that same course itself, and thus led itself into such extremist views on society and the state. For we can safely say that the idea which Fascism cherishes of the state, and consequently of justice, is no other than the doctrine of divine rights which identified justice with the will of the king. Society, as the actual existence of man qua a ratio-social being, loses all its ethical worth and becomes a means used for the satisfaction of the needs of the state which is nothing but the party in power. From the foregoing we may conclude that not only Fascism, but also Bolshevism and Nazism have done no other than adopt the Doctrine of Divine Rights. There is, however,

one major difference between these modern theories and those of the 17th century, namely that those of the 17th century clustered around the king, while those of the 20th century center around the Party. And modern totalitarian doctrines are in essence a going back to the age of absolutism. But it is such a 'retrogression' that is effected through the French Revolution and the party system that has grown with it.

Fascism is therefore a totalitarian theory. Its concept of justice is one that emanates from struggle which is essentially intra-national. And as a result of this Fascism, in the words of Mussolini, believes neither in the possibility nor in the utility of perpetual peace.... War alone brings up to its highest tension all human energy and puts the stamp of nobility upon the peoples who have the courage to meet it.⁽⁴⁾ Accordingly, therefore, Fascism is essentially factual. It has no consideration for any international bias, for the national feeling is taken to be stronger than any internationalism no matter how it is generated. International cooperation must not be achieved at the expense of national disintegration - for what is revered most is the nation as embodied by the state, and not internationalism as such. For if justice is taken to be the outcome of national integrity, through strife and struggle, i.e. if it depends on Power, National Power, and has no regard to any idealistic trend which makes of it not a manifestation of national integrity

(4) Op. Cit., Mussolini, p. 11.

and power, but a standard of action both individual and collective, then there can be no interest in international cooperation which in the long run ruins the integrity of the nation. Fascism adopts this final position as natural, i.e. unalterable, and believes that it is the only aspect of social existence.

Fascism is of course anti-marxist, mainly because it is national, although it draws much on the Marxist conception of struggle. But instead of making the struggle one among classes, it conceives of it as existing among nations. It also fights Marxism because it considers that economics alone is not sufficient to interpret human existence, in spite of the fact that it is a middle class movement. A point must, however, be clarified. When Fascism as a movement started to grow, it gained the support of big business and the industrialists. But when it became already established it started to formulate its own doctrine, its own weltanschauung which culminated in a theory of society not very much different from Nazism though exceedingly strange to Bolshevism. That is why we must think of Fascism not as the dictatorship of the middle-class, but rather as the dictatorship of a dogma embodied by a party. For Fascism never relinquished the belief that deep in man there is a latent spiritual element, which Bolshevism overlooks, and which is by far more preponderant. This element is taken to be the driving force in history, the basis of any theory of justice. It is precisely this same view point, this anschauung, which is so expressively stated by Spengler, "World history is the world-court; it has ever decided

in favor of the stronger, the fuller, the more self-assured life, has decreed to it the right to exist regardless of whether or not its right would hold before a tribunal of working-consciousness. It has always sacrificed truth and justice to might and race, and passed doom of death upon peoples in whom truth was more than deeds, and justice than power".⁽⁵⁾

Fascism is therefore a philosophy of war, of vitality and of dynamism. It is a doctrine that sees in struggle, all the nobility of life, all its glory, and all its worth. It believes in the value of life, but only when lived according to that which is most noble, namely the state - though the Fascists may deny that the state qua state is the end. Nevertheless it conceives of life as "a duty and struggle and conquest, life which should be high and full, lived for oneself, but above all for others - those who are at hand, those who are far distant contemporaries, and those who come after".⁽⁶⁾ Such a kind of life conceives of justice only as embodied in Might - for there can be no justice which is at the same time more valuable than life itself. Justice is thus the outcome of the struggle for life - for the noble and full life.

Such a doctrine of life cannot possibly equate material well-being with happiness, nor can it conceive of a state where, by mere reference to utility in the sense of satisfaction, can the greatest happiness for the greatest possible number be achieved. It cannot logically believe in numerical well-being,

(5) Spengler, Decline of the West, Vol.II, p. 507.(A.Knopf Pub.)

(6) Op. Cit., Mussolini, p. 12.

for its main end is not individuals, but a collectivity, which it considers spiritual. Thus Fascism in contradistinction to parliamentary democracy aims to achieve the full existence of life as a value. It denies the validity of the equation of well-being to happiness, because it finds in that a degradation of human existence to a mere physical existence which is worthy of animals and not of human beings.

Consequently Fascism denies the democratic concept of justice; for it holds that the majority cannot direct human society, nor can justice be decided by numbers. For even in parliamentary democracies Fascism holds, it is not the people who govern themselves; in fact they are governed by those whom they send to represent ~~them~~. The people do not have sovereignty but the illusion of it. Fascism also denies "in democracy the absurd conventional untruth of political equality dressed out in the ^{grab} of collective irresponsibility, and the myth of 'happiness' and indefinite progress".⁽⁷⁾ It cannot possibly believe in the liberalism of democracy because it holds that liberalism is the 'historical forerunner' of anarchy. Fascism is a doctrine that deifies the state. Ipso facto then it cannot accept liberalism. For the state to it is not only the nation in power but also a spiritual and moral fact in itself. It is almost a person - a distinct being, in which the individual, as a numerical entity, or better unity, loses himself numerically to find it integrated in the life of the whole. It is thus the state, as a moral entity,

(7) Op. Cit., Mussolini, p. 16.

which gives the citizens consciousness of their mission, and makes of them a unity, where all their interests are harmonized through justice (from the view-point of the state), and where all the mental conquest of science, of art, of law and of the solidarity of humanity are transmitted to future generations.

Fascism is necessarily a doctrine of strife and struggle. The activity of life is a dynamic, war-like activity. A state of perpetual peace is a state of stagnation wherein culture loses all its spirituality and becomes identified with material civilization. Justice, therefore, cannot be a standard of action, in the sense that it is prior to it. It is in fact a function of activity, of the will-to-power, of the nationalism of the state. It is not a right of the individuals, for it is the state that administers it. Individuals are considered as acting justly only when they comply with the laws of the state, which according to Fascism, are not outward, but rather inward commands. The individual is thus free within the context of the law of the state, which law does not derive its absolute validity from a standard or ideal of justice, but from the will to power of the state. Thus it is the state that decides what rights the individuals should have. Fascism has no consideration for Locke's indefeasible rights, because it does not consider the individual as an entity by himself, both spiritually and materially. And while Locke would think twice before he takes any measure against the individual, Fascism disregards him completely. Individuals are respected in so far as they prove to be useful to the state,

and not for their own worth and dignity. Worth and dignity are assigned to the state and not to individuals, to authority and not to anarchy.

Again as a doctrine of struggle Fascism does not believe in international law which is based on Natural Law, derived either from the reasonableness of mankind, or from the divinity of the supernatural. In intra-nations relationships justice is completely identified with might, force, and power. Treaties have no validity as such. They are valid in so far as the parties comply with them - and that is only as far as the treaties serve the national interests of each of the parties. Treaties are thus truly scraps of paper which can be torn at any moment without violating the essential validity of the state. Needless to say it is the state which regulates the law and not vice versa. Consequently it is the state that "creates" justice, that points to what is or is not just. For what the state looks to establish is not justice, but order. That is why, for the sake of order, of integrity, of national interest, the Fascist state is ready to commit what may be considered by democracies as injustices, while to Fascism nothing is unjust which is conducive to the general welfare of the state. It is here that the disparity arises. For 'the general welfare' of the state does not mean the same thing to both Fascism and Democracy. To the former it means the welfare of the state not as individuals, but as a unity, both biological and organic, a distinct entity which is larger than the mere sum of its parts, namely, the individuals.

To the latter it means the well-being of the state as individuals, separate entities, whose interests both morally and materially do not at many times coincide with those of the state. Hence we have freedom of speech in democracies. But this too is ridiculed by Fascism. For individuals are free in democracy not qua individuals but qua groups, parties, and organizations, i.e. powerful units. Existing as such, they threaten the integrity of the state. No state, not even the democratic, allows itself to be disintegrated.

Moreover Fascism holds that all democratic states are not true national states. For it is not the will of the nation which is represented, but that of a group, a class - those who are economically influential. Nor is it the majority which rules, but a very small minority. Even majority rule does not achieve justice, for the majority, no matter how much unanimous it is, does not represent the 'general will'. This distinction has already been made by Rousseau, who differentiated between the will of all - (sum total of particular wills) and the general will. But Fascism, by dismissing parliamentary democracy, declares itself truly democratic - for it takes democracy to be both a 'mixed polity', namely a practical policy with a constitution "broadly based upon the people"; and an ideal of equal opportunity. If these distinctions between parliamentary democracy and Fascist democracy be valid, then the only differences resulting from the practice of both is one inherent in their basic principles. The former believes, as we have indicated above, in man's

dignity and worth qua individual, with certain indefeasible rights; the latter believes in the state as more than the sum total of individuals, as a 'person' in its own right, and as the moral entity par excellence. And whereas democracy considers law as the manifestation of justice Fascism makes law, and consequently justice, an index of 'Power' or the will-to-power of a nation.

As a doctrine Fascism is very much like Communism or Nazism. It claims that its weltanschauung is an all-embracing one, and that its philosophy is final. As an organization of political life it does not also differ from Bolshevism or National Socialism. It necessarily is the dictatorship of a Party, and the complete subjugation of the whole nation to its own decrees. The Fascist state has developed into an aristocratic autocratic ideological rule - the rule of the elite and the leader. Fascism thus operates with the idea of the elite as the only vanguard of the nation, the group most capable of ruling for the welfare of all. This is in other words the dictatorship of a few organized to rule. This kind of rule did bring organization to Italy and did raise its prestige in international affairs. Unlike other absolute regimes, past and present, the Fascist Regime in Italy did create a new nation of the already decadent Italian people. The originality of Fascism, so far as political organization is concerned, lies in its ability to give the Italian nation an organization of life which has set for the Italians new "worlds to conquer".⁽⁸⁾ It is true that this organization of life

(8) Op. Cit. Egidio Reale pp. 150-157.

was achieved at the expense and loss of many privileges and rights of the individuals as members of society. But that is only negatively, and Fascism claims that for the Italians, emerging from the war of 1914-1918, there could be no other way of maintaining what they already had, and getting more except through Fascism. To them "human life must not be conceived in egoistic materialistic terms; social life is a realm of duties to be performed, not a realm of rights to be vindicated; the individual must be inspired or else compelled to take life seriously, to live a life of toil and sacrifice for an ideal more important than his own salvation".⁽⁹⁾ To them again this ideal is, as Alfredo Rocco defines it, "a national state, well ordered internally, aggressive and bent on expansion".⁽¹⁰⁾ With such an ideal in mind justice could never subsist except in a context of war and struggle where Might is necessarily justice par excellence.

(9) See Coker, Recent Pol. Thought, p. 492.

(10) Rocco, Political Doctrines of Fascism, p. 28 (N. York, 1926).

C H A P T E R VI

National Socialism: Justice as the Will of the Race

Unlike the Fascist Revolution the National Socialist Revolution was essentially ideological. Its motto for action was not action itself only, but action backed by an ideology. It is also, and basically, a religious reform, a spiritual upheaval, as much as a political revolution. In this sense Hitler was as much a prophet of a new philosophy of life as of a new weltanschauung, before being the head of a very powerful state. For the aims of the National-Socialists were not the renunciation of the Dictated Peace Treaty only, but also the creation of a new Germany, destined to rule the world. This attitude towards the world necessarily signifies one thing: that only Germany can decide for herself, what is good for her and what is bad, what is just and what is unjust. No other power, or an association of powers can determine for Germany the course of its life. It is only the German people, the Volk, who can enforce their own standard of justice, not only on themselves but also on the whole world. For National Socialism believes in historical determinism. And accordingly it is the national-socialists, who are destined to rule and dominate the whole world.

National-Socialism is basically a new phenomenon of justice. It is the creed which takes justice to be the will of the people to power; the idea which embodies both nationalism and socialism;

and the Volkische Gedanke, conceived as a supra-individual organic reality. Accordingly there is no justice apart from the concrete reality of the nation, its history, and its struggle. What determines justice is not an ideal law, nor a world moral order, but Power in general, and national power in particular. Ipso facto no individual can be just when he acts against the nation and national welfare. It is necessarily, therefore, that the nation is always right, whereas individuals may be either wholly or partially wrong. In this sense it is the general will, namely, the national will, which is the sole source of morality and justice. And just as Rousseau claims that the general will is always right whereas a majority may or may not be so, so National socialism holds that the Nation - the Race - is necessarily right at all time and places. The sum total of the particular wills of the individuals is not the general will - holds the National-Socialists. And just as Rousseau, again, puts it very strongly that 'man (within society) is forced to be free', so National Socialism declares that there can be neither freedom nor justice outside its context. The implication is necessarily this that National-Socialism is both freedom and justice; that the German nation can never aspire to be free, and have justice except in National-Socialism which is the all-embracing destiny of the Germans.

It is held by the National-Socialists and mainly by Hitler, that National-Socialism is a synthesis between nationalism and socialism. The truth is that Hitler has never really cherished

any socialist ideas pertaining to either Marx or Rodbertus or others of the leading socialists. In fact he has actually thrown overboard socialism and preserved nationalism. What is more real and valuable to him are not the classes in the nation, but the nation itself. That is why Hitler berates Marxism and denounces it, because it leads ultimately to the disintegration of the German nation. "Can they (the Germans) consent that a large number of their fellow citizens, the industrial workers, should be taught that in the last analysis they are more closely bound up with the working classes in other lands than with their own country men who do not happen to be 'proletarians'?"⁽¹⁾ A big 'No' was the emphatic answer of Hitler. The nation is responsible for its children. The lot of the workers in Germany will be bettered as Germans and within Germany and not as workers or as a class. Justice demands that the industrial workers be treated on the same footing as those who are not 'proletarians'; for it is thus only that the general welfare can be completely realized. "Common weal before individual welfare" that is one of the slogans of the National Socialists.⁽²⁾ On that basis there is no distinction between Germans except in what each contributes to the general good of the whole nation.

National Socialism is basically anti-individualistic and therefore anti-liberal. The following quotation, will support this thesis: "La pensee individualiste, s'ecriait le Dr. Dietrich, Chef de la presse du parti, repose sur le postulat que

(1) P. Scheffer, "Hitler: Phenomenon & Portent", Foreign Affairs, Vol. 10, pp. 383-388, Ap. 1932.

(2) Cf. Hill & Stoke: The Background of European Gov'ts. pp. 399-401

l'homme est un individu. Ce postulat est faux. L'homme n'apparaît dans le monde que comme membre d'une communauté.... Les seules données réelles du monde sont les races, les peuples, les nations, et non les individus... Le national-socialisme considère le Volk comme la réalité organique".⁽³⁾ From this it necessarily follows that the individual, deprived of existence qua individual, is also deprived of all rights. Natural rights are, therefore, not those of the individual as an 'entity', but of the individual as a member of the nation - of the state in general. Accordingly it is the state which bestows some rights on the individual, in return for which he has certain duties towards the state - the most important of which is, of course, obedience to the state. In this lurks the fundamental Hegelian idea of freedom which may be summarized as the complete identification of the individual with the state. But while this identification is somehow ideal in Hegel - for the state to him is the manifestation of universal reason - it is less ideal in Hitler, for whom the Race is the basis of all human existence. Consequently to Hitler the state derives its existence from the general exigencies of the Race, and not from an abstract idea of universal reason. Ultimately therefore justice is identified with all that brings glory and longevity to the Race. In this sense it is also an index of the will-to-power and a manifestation of it. Law becomes necessarily the will of the Führer; and his acts are justified by the necessity of assuring the existence of the German nation. There is no justice outside the

(3) See L'Année Politique Française et Étrangère, Oct. 1935, p. 179.

will of the Fuhrer.

If we take these assertions superficially, we do not find a great difference between Hitler and Louis XIV. For the latter in affirming that he is the State, implicitly means that justice cannot subsist outside of him as a person. National Socialism, on the other hand, has a more fundamental and philosophical basis for what is known as the Fuhrer Prinzip. The fundamental conceptions, in terms of political philosophy, of National Socialism, serve as the basis, both philosophic and juridical, of the National Socialist Movement. These principal conceptions, subsumed under eleven principles by Wilhem Stackart, were first published in the *Volksischer Beobachter*, on Jan. 20, 1936.⁽⁴⁾ It is to these principles that we must turn to analyze the tacit difference obtaining between 17th century and 20th century totalitarianism.

The first and most important principle is that the philosophy embodied in National Socialism is the philosophical basis of both existence and likewise of the organization of the German Reich. Or as Hitler puts it "L'idée national-socialiste a son siège dans le Parti".⁽⁵⁾ i.e. that the Party is the organization of the German Nation for life and justice; that outside the Party, and necessarily outside the Fuhrer there is no justice - the absolute, being here, not an outward standard but an inward projection, a Volkische Gedanke, a will-to-power. It follows

(4) See *Science Politique*, Vol. II, Dec. 1938. Article by Jacques Maupas. As they are published in French, I shall have to refer to them in English, and only when necessary, quote them in French.

(5) *Op. Cit.* *Science Politique*, p. 509.

from the foregoing that the people are the unique end of all human actions and all the institutions of the state; things or acts will be termed just when they ultimately lead to the general good, glory, and prosperity of the nation, and not when they conform to a certain standard supposedly higher than any human standard. The ideas of Natural Law are lost here. Those of Natural rights are incorporated in the nation as a unity and not in the individuals as entities. Divine right of kings has become Divine Right of the Party; and the general will, instead of being conceived as that of the individuals in a community, and therefore, of the community as such, has become the will of the nation as Race, as a definite biological entity. For the Reich "est un état racial (Völkisch)".⁽⁶⁾ Accordingly, there can be no true justice in the state if there are in the government officials who belong to another race. The persecution of non-Aryans in Germany is part of the project for the establishment of a stronger and a more vigorous German state, without which no justice can prevail neither internally nor externally.

The Germans, however, were not very much satisfied with the results of the war of 1914-18 or with the Peace treaty of Versailles. They experienced humiliation and were ready to pay a high price to regain their pride. They felt how miserable a military defeat could be. And yet from the midst of misery came Hitler who promised them everything to which they aspired. But

(6) Ibid, p. 509.

his promises were conditional - that they should believe in the philosophy of the Party and in him as their Fuhrer. That meant that justice lies in the decrees of the Fuhrer, and which, according to National Socialism, emanate from the general welfare of the whole nation irrespective of any individual will. It is precisely because of this attitude to individual interests that National Socialism is considered to be socialistic; still very much different from Bolshevism. In spite of all these conditions the Germans believed in Hitler.

National Socialism was aware of the situation in which the workers were. But since it was basically national, it could not limit the reforms to the workers alone. For its ideal is not to elevate the workers, but to organize the German nation in such a way as to create a powerful German state capable of enforcing its own rule and thus its own justice. Its socialism was thus a part in the program and not the whole of it. Its socialism was also essentially different from either traditional socialism (the French type) or Marxist and Bolshevist doctrines. For traditional socialism is in essence a continuation and not the negation of the ideas of the French Revolution. And though it tends to restrain individual liberty and condemn economic liberalism and aims at controlling and nationalizing industry, yet it does all that with the view to achieve a better and necessarily higher degree of order and justice in the production and distribution of goods. In both its ends and means it remains individualistic, for it considers the individual as existing at

both ends of society; its beginning and end. National-Socialism is completely different in its conception of Socialism. Its socialism is purged of individualism. According to it individuals are means and not ends - the end being the nation as Race.

When Hitler started the National Socialist Movement, his aim was not the prosperity of the Germans as individuals, nor as groups, factions or classes. He believed in a unity of effort, and not in its diversity. He believed in Germany as one solid unity of land, and the Germans as a pure Race - not adulterated as other inferior races; and therefore have the right to be the standard-bearer race. With such an attitude toward the world as constituted of a mixture of adulterated inferior races, and to the Germans as the only true Aryans, one cannot possibly speak of Socialism in Germany along the same lines of Bolshevism in Russia. Even if Socialism should seem to be the only possible cure that could heal the wounds which Germany was suffering from, especially after the war of 1914, Hitler would have repudiated it on the basis that it is Jewish, and therefore the product of an inferior people. For the question is one of national pride and glory, of national justice which is to be enforced on the whole world because it emanates from the 'Chosen Race', the Race destined to purge culture from everything that fossilizes it. Accordingly, Germans must live and die not for themselves, nor even for the nation qua nation, but for the idea of Race, for the culture, which the Aryans have borne and which they are destined to preserve. And justice is not a standard of action set forth by external agencies; it is the manifesta-

tion of the struggle between cultural races, a Kulturkampf in which only Night in both its material and spiritual aspects, is the sole deciding factor.

From the foregoing we can draw the partial conclusion that at least theoretically National-Socialism as a racial movement was essentially idealistic, and in this sense supra-national. Theoretically it asks the people to die for an idea - for culture - taken to be greater than the individuals and stronger than groups. The Volkische Gedanke is not the Race itself, nor the nation but the Idea of the Race as developing in history. The idea, which in its outward existence, has shown itself to be the preserver of culture; and which in its inward existence, has been the creator of culture. It is the idea which has taught people sacrifice, and which inculcated in them the love of the community. "Nowhere," says Hitler, "has the readiness to sacrifice one's personal work and, if necessary, even one's life for others shows its most highly developed form but in the Aryan race; (and) the greatness of the Aryan is not based on his intellectual powers only, but rather on his willingness to devote all his faculties to the service of the community".⁽⁷⁾ According to this doctrine there could be no justice in the whole world if the Aryan Race is not the dominant race. For justice, to the National Socialists in general and Hitler in particular, lies at the basis of the struggle for supremacy between the standard-bearer race and the inferior races, and is achieved in

(7) Mein Kampf, tr. by James Murphy; Hurst & Blackett Ltd., London 1942; p. 168.

the final victory of the Aryans. That is only in theory. But in practice the Aryan race is identified with the German Volk, and the triumph must necessarily be that of Germany as Volkischer Staat, over all the other states of the world, which triumph shall establish justice at the penacles of racial supremacy. In this sense justice is a standard; but it is a standard which is created by a race taken to be the leader of the whole world. If it is to be binding on all people, it must do that by virtue of its Power mostly material, and not by virtue of its moral preponderance. For to the National Socialists only the Aryans, and the National-Socialist Aryans, can deem acts as moral or immoral.

National-Socialism believes in Might. According to it the weak shall not inherit the earth. Those who must live and endure are those who through struggle have proved to be strong and thus capable of living. They believe in the inexorable law of nature that "it is the strongest and the best who must triumph and that they have the right to endure. He who would live must fight".⁽⁸⁾ Can justice in such a context be other than might? Can it emanate from anything other than triumph in a world where the law of life is permanent struggle? It does not seem possible at all to separate justice from Power. Pacifism, according to Hitler, does not breed justice, but subjugation. For "he who does not wish to fight in this world, where permanent struggle is the law of life, has not the right to exist".⁽⁹⁾ The right of existence belongs to the strong;

(8) Mein Kampf, p. 163.

(9) Ibid.

and justice is necessarily the will of the strong. The weak have neither justice nor the right to exist. This may seem a hard saying, says Hitler; but this is how we stand in nature. We cannot oppose Nature, or overcome it. What we have to do is to discover its secret laws and act according to them. Among these laws is that of the existence of races. The Aryan is the most superior of them all". "He is the Prometheus of mankind, from whose shining brow the divine spark of genius has at all times flashed forth.. Should he be forced to disappear, a profound darkness will descend on the earth; within a few thousand years human culture will vanish and the world will become a desert".⁽¹⁰⁾ But Hitler and his followers do not want the world to become a desert! They believe in themselves as redeemers sent down to earth by Destiny itself to purge culture from all that leads it to decay. Their mission is thus prophetic and religious. They are sent to kindle the fire of knowledge and culture, to lead the world off the paths of darkness and misery. They are not thus sent to Germany alone, but to the whole world. It is thus for the sake of the world that Germany must become powerful enough to dominate all the nations, and thus nothing can then disturb the peace whose dawn has appeared in the doctrine of National Socialism. When the Pax Germanica is established in all four corners of the earth the idea of war will then die out, and justice, true justice, will rule over the whole world. A mighty dream which Hitler set himself to realize

(10) Ibid., p. 164.

but failed. Nevertheless the National Socialist Doctrine remains a theoretical attempt to put into practice the ideal of a dominant race.

There is no doubt that the economic situation in Germany shortly after the War, had to a large extent fostered the growth of Hbler's movement, though Hitler himself did not appear to have been greatly interested in economic factors. For Hitler was not in fact as interested in establishing economic justice within Germany, as in creating a strong, national German State. He was more interested in securing for Germany an international recognition as a Strong Power than in achieving economic and political justice in the country. To him national unity was the only possible panacea for all the evils that stood in the way of national development and progress. That is why we can safely say that national socialism was ideologically the child of the folk movement and all the fatherland societies, and that it got "its real lay-up" not from any economic or political institution, but from the Reichswehr, which was completely divorced from economic life.⁽¹¹⁾ All economic reforms that ensued after 1933 were not ends in themselves but means for the semi-ultimate end, namely, national unity, which as a means in itself was ultimately supposed to lead to the domination of the world by the German race. However, the economic reforms meant to the national

(11) National Socialism. Foreign Affairs; Vol.13, No.4, July 1935.
p. 560.

socialists the achievement of the maximum of economic justice, and so did the political reforms. But the actual aim of the Movement was not this alone, as we have seen. What was still of greater importance was the position of the German state vis a vis all the states on the continent and outside of it. The National Socialists, and especially Hitler, were looking forward to the time when, on the Continent, there will be only one great Power - Germany.⁽¹²⁾ When the time comes the Germans, as potential rulers of the world, will have achieved the maximum of justice.

Justice cannot thus be finally achieved except when the Germans, the pure Aryans, are nationally integrated, and when the Jews, who are considered as the cause of the decline of the Aryan Race, are completely cast outside the country. To the National Socialists justice cannot obtain in Germany except through a complete denial of personal interests, and a complete identification of all individual interests with those of the nation. It is thus through the harmony of all interests within the nation that justice both political and economic can obtain. The individual will then be more just both to himself and to truth when he sacrifices himself for the national integrity of the race. Hence economically one is more just still when one produces not for profit, nor to raise the standard of living of the masses, but for war.⁽¹³⁾ For it is through war, through armed conflict that Germany can maintain its own "national justice"

(12) Mein Kampf, p. 366.

(13) Op. Cit., Foreign Affairs, p. 567.

against the "justice" of the other nations.

National Socialism did not as a matter of fact raise the standard of living of the average employed individual, just as Fascism had failed to do so. For "the Nazi work program in practice, substitutes for the right to support the duty to work, and divides what work there is". Thus two workers are employed where only one is needed; the former wage of one being divided between them. "That this is true is borne out by a comparison of re-employment figures with the total increase in the wage bill.... The German worker today is building roads and draining swamps, drilling as a soldier, adding to the means of production as well as to the actual production of the nation, but his share in the profits of the whole business is relatively small. The boom in consumption is in the upper categories of incomes".⁽¹⁴⁾ But in spite of all these disadvantages the Nazi state could ameliorate the pains of poverty just as Communism in Russia did, and that "by removing from poverty the stigma of inferiority, by giving to it a sense of purpose, and by holding up the hope of a glorious future".⁽¹⁵⁾ It is mainly through these psychological and emotional factors that National Socialism won the sympathy of the German Masses. Yet we should not forget that its measures both economic and political were war measures only. It has lived until 1939 with the hope of finding an enemy; and when it found it, war was inevitable. The hope was that Germany will assume hegemony over the Continent, and then over the world.

(14) Op. Cit., Foreign Affairs, pp. 571-2

(15) Ibid., p. 54.

It did assume it for a short time - but then it had to collapse before a greater force. Could that be the verdict of World-History that Germany shall never rise again? There is every indication that the verdict is final so far as National Socialism is concerned. What Power builds Power can destroy.

C H A P T E R VII

Democracy and the Problem of Justice

So far we have seen how the problem of justice has taken a special guise after the Industrial Revolution, becoming all the more identified with economic justice. The French Revolution, in its turn had, stressed the political aspect of justice. As a result of these two epoch-making events which clearly mark the inception of our 'modern society', different philosophies arose to answer the questions of the modern age. We have seen also that neither Communism, nor Fascism, nor Nazism could achieve in practice what they aimed at in theory; and that all of them remained in one respect lacking - because they stressed one aspect of justice over the other; the economic over the political; or the national over the economic and the political. Nevertheless these philosophies remain in their own right reactions against the distorted order of things. And although I do not believe in anyone of them I cannot but hold that their indictment against the present order is to some extent justified, though their solutions are either wholly or partially false. Democracy, however, is of a different calibre though it bears in itself the same reformative tendency. It is to it that we must now turn.

Unlike Communism or Fascism, Democracy is evolutionary rather than revolutionary. And although in most countries where

it is established, it was achieved through a revolution, yet ever since its establishment it has been carrying on its development in an evolutionary process. In its evolutionary development it is taken to have moved along the paths of justice; in fact, its protagonists say, that it has proved itself to be the most just form of society and government. To me this fact is doubtful, for democracy has not been successful in all societies, nor even in the same society for a long period of time. Some of the so-called democratic societies still suffer of so many injustices. And these injustices, arising mostly from the inefficiency and arbitrariness of democracy, make of it an oligarchy which is not very much different from a dictatorship. This very aspect of democracy has rendered many people suspicious of the compatibility of democracy with our modern mode of existence, and has fostered, to a great extent, the belief that a centralized authoritative government is better and more just than democracy. Thus the question arises: can democracy achieve justice?

The answer to this question must not be given in the abstract. For ideally speaking we can argue that democracy can achieve justice. But what we have to do is to relate the question to the concrete problems of our existence and try to answer it as so-related. Otherwise our answer will have no bearing on the concrete problems at all.

Communism attacks Democracy as being a bourgeois tool for the exploitation of the proletariat. It charges it with subjugation and holds that with capitalism there can be no democratic

society. For in capitalist societies it is not the masses who are in actual control of power, but the bourgeoisie, the few capitalists, those who have money, and consequently influence and prestige. Thus elections and representation mean nothing; for those who are sent by the people to represent them act for their own particular welfare as bourgeois, and not for the welfare of all. The whole democratic process is thus used to serve the purpose of the oligarchs and not the aims of the majority of the workers. Consequently there can be no justice in a society where only a few rule for their own benefit, and where the many have nothing but the illusion of sovereignty. I cannot to a certain extent deny this charge. But I hold that Communism does not solve the problem of 'capitalist democracy'. If democracy as it is in practice today does not achieve the maximum of justice that should not mean that it cannot do so absolutely. Democracy, if properly applied, can attain the maximum of justice. And it is our task to show how it can achieve justice when, face to face with the problems of our modern age, it takes notice of them as they are and attempts to solve them with the view of achieving a better society, though not an ideal society.

Democracy, as the word goes, means the rule of the many. Logically the rule of the many is apt to be more just than the rule of the few, because the margin is large enough to embody the largest body of the people. But what we should point to is the fact that there is a great difference between democracy as a form of government and as a form of society. As a form of

government democracy, in the strict sense, means "a community as a whole directly and immediately, without agents and representatives, performs the function of sovereignty".⁽¹⁾ As such democracy is not capable of being put into practice in our modern society merely because of the inconvenience caused by the large number of people in our modern societies. It is therefore out of the question to have a state in which all the people, some 40 million, meet together to decide the affairs, political and otherwise, of the country. Ideally it is, of course, more just to have such a direct democracy than an indirect democracy. But we should not forget that we are limited with so many real obstacles that we cannot achieve ideal justice. Moreover our existence compels us to take into consideration those factors, which in limiting our horizons, make of us what we actually are. The actual is a dominant fact, obstinate and impeccable. We will be doing more injustice than justice to ourselves if we try to forget the 'actual' mode of our existence.

Thus if we cannot, because of our limitations, achieve democracy as a form of government, we can, within these limitations, achieve democracy as a form of society. For then it means a society in which "the spirit of equality is strong, and in which the principle of equality prevails".⁽²⁾ Here we have not indicated even the kind of government; in fact a democratic society may have a democratic (representative government), an

(1) F.J.C. Hearnshaw, Democracy at the Crossways, Macmillan & Co. Ltd., London, 1918, p. 15.

(2) Ibid., p. 25.

aristocracy, or even a monarchy. For so long as the dominant underlying principle of a democratic society is kept, the form of the government should have no influence at all. And in our modern society it is this second meaning of democracy, namely a form of society, which can be applied; and through it justice can be achieved.

Yet democracy is not so easy as it seems. It is no doubt difficult to institute a democratic society with a democratic government in any of our modern societies. For democracy rests on general consent, almost unanimous, and that is very difficult to arrive at. It is precisely this aspect of it which makes it so precarious that one can very correctly say that it ceases to be itself. Nevertheless we cannot deny that in itself, and vis a vis say the Divine Right of Kings, it is more just than any of the feudal theories of the Middle Ages or the Divine right theories of the 17th century. Yet we have to admit that it has not faced the modern problems of our present day societies with equal vigor, nor has it solved them with equal success. Thus it needs to be reconsidered in the light of the problems of the day - for what might have been socially and economically just at the inception of the Industrial Revolution is not so nowadays. A new adjustment is needed, which democracy has not so far achieved. And this reconsideration must start at the bottom; at the very basis of the fundamentals of democracy.

Western democracy, the Communists say, is not democratic at all. It must be called exploitation, or rule of the few for

their own benefit. Fascism also berates the western democracies. For Fascism does not find anywhere, outside its boundaries, any achievement of justice. Nor does Nazism find any justice in democracy as such. Yet each one of these political theories claims that it is achieving the maximum of justice, and hence is 'democratic'. The question is therefore one of definition of terms. But surely there cannot be more than one kind of democracy. A society is either democratic or not - and if it is, it has to fulfil certain requirements which are held by traditional democrats to be essential. Thus if all societies fulfil them there will be no essential difference between Fascism and 'Democracy', or Nazism and Democracy. But the case is not so presented to us. For we do find a great chasm separating 'Democracy' as such from any other political theory. What we have to look for is thus not the meeting grounds of these theories, but their basic tenets. We have analyzed so far the tenets of Communism, Fascism, and Nazism, and seen that they could not be the bases for human social life. Will 'Democracy' survive this analysis, or will it, like the others, be declared as ultimately detrimental to human society?

There is no doubt that the essence of democracy is equality. This term, as most of the terms of political philosophy has been subject to so many considerations that we can hardly use it without defining it. For to the Communist it means something, and to the Fascist a completely different thing. Yet to both of them it is an essential tenet of their respective outlooks. ⁽³⁾ However

(3) For a fuller consideration of equality see chap. on Equality and Justice, Part II.

democracy believes in equality, or as Edmond Scherer has put it "L'essence de la démocratie c'est l'égalité".⁽⁴⁾ Without a concept of the equality of all men we cannot actually conceive of the rule of the majority. So also says Dr. J. B. Crozier, in his Civilization & Progress that "the essence of democracy is the equality of men's material and social conditions".⁽⁵⁾ Or that in a democratic society there must be an equality of rights and of conditions such that every individual can develop his potentialities to the utmost. All these definitions agree that the mark of a democratic society is equality. But the difficulties are not surpassed - for there still remains the important task of defining the term 'equality' itself. This task has been one of the greatest since the advent of the Industrial Revolution which has actually revolutionized our whole social life. Thus there is no use in defining the term ideally, for then we lose ourselves in the ideal and forget the real; or, when we come back to it, we find it exceedingly different from what we thought it to be. And this is one of the dangers of democracy. It is too idealistic. Its concept of justice is such that it leaves no room for its concrete materialization in hard and concrete facts. That is why we have been accustomed to criticizing democracy as practically impracticable. Yet that should not mean at all that democracy cannot be put into practice. It only means that our examination of its tenets must be true to the actual order of things, that our consideration of its fundamentals

(4) Cf. Scherer, La démocratie et la France, p. 52.

(5) Quoted by Hearnshaw, p. 26.

should be one that draws the ideal from the actual and not vice versa.

Ever since the French Revolution political philosophers have been trying to give new definitions to the old terms. Equality and liberty are among the terms that received, and must receive, the hardest scrutiny, because of the dynamic changes which our societies have been undergoing. Otherwise we will not be doing justice to ourselves, because we will then be judging ourselves on certain bases which no longer hold valid. It is precisely here that the criticism of democracy obtains. Democracy as a form of society, of state, and of government might have been working well when society was not fully industrialized. But in a completely industrialized society we cannot leave the individual free in the economic field, nor can we tolerate free trade, for we would then be making our society vulnerable. Also it is no democracy at all when the majority of the people toil and labor, while only the very few enjoy the fruits of the majority's work. It is not just to have so many privileges in society that equality loses its existential meaning. All these objections and many more are directed against democracy, and are to a large extent responsible for the opposing social theories. And yet we find that democracy when properly applied can function very smoothly and can achieve the maximum of justice. But the question is not one of good-will, as some may think, but one of clearly understanding the fundamentals of the human society and the order in which it is living. Otherwise democracy

will remain a mere theory, devoid of any practical possibility.

Yet for one and all democracy remains the only theory that has the clearest view of man - but only when properly understood. For democracy, before being a form of government, is a theory of social existence. It regards man as a personality, with dignity; a being that must be respected on his worth; an end in himself, and never as a means only. Yet democracy in certain occasions forgets that man belongs to the 'kingdom of ends' just as much as he belongs to himself; even more. Nevertheless its outlook on man enables him to be considered as free and equal. An 'unfree democracy' is a contradiction in terms. But freedom must not be taken to mean complete absence of restraint. The individual within democracy is not living by himself, but is a social being, and a member of society. And thus the rights that he has arise from the duties which he incurs. His freedom is thus a social freedom and not individual. It is therefore a matter of justice that he should be free and equal; but both his freedom and equality arise not outside society but within it.

On such a basis democracy is thus a theory of life; a way of life - a recognition, within the limits of society, of the dignity and worth of man, his freedom and equality to others both as men and as members of society; And as a way of life we see that democratic governments of today, England for instance, are more democratic than fifty or hundred years ago. After 1832 England became more democratic, and so it did after the First World War. The abolition of candidacy on the basis of property

is a sure step towards a democratic society and government. The homogeneous merging of the English Nation is an indication towards democratization. The New Deal in the U. S. A. is, in itself, a movement towards more homogeneity and hence democratization. The laws, both in England and the U. S. A., concerning labor-time, age pension, elections etc... are in themselves a clear indication of the steps that both nations are taking towards a 'truer democracy'. Yet in spite of all these measures none of the so called present democratic states is truly democratic and thus truly dispensing with justice. The salient objection is raised by the socialists: that democracy and capitalism are incompatible. For whenever capitalism is dominant, then it is not the people at large who benefit from it, but a few individuals, who, if they are not in the government, influence its machinery, and may in the end - as they actually do - make the government serve their purposes. Capitalism exploits, and exploitation is against the spirit of equality and freedom. Hence there can be no democracy in a capitalist society.

To a large extent this indictment is true, though capitalism has helped, historically, the advent of representative democracy. But surely we cannot speak today of a representative government in a capitalist society which serves the interests of the whole nation - rich and poor together. Needless to say capitalism, when uncontrolled, is essentially unjust because, it is ultimately individualistic and selfish. Unlike the individualistic concepts of democracy, capitalism in modern democra-

cies is essentially egoistic, and runs in the last resort, against the very interest of the community as a whole. It destroys in the long run both the principles of equality and freedom. It sharpens the distinction between classes and generates hate among the different individuals; and it obliterates freedom by making the Have Not the Slaves of the Have. No justice can be achieved in such a society, where the people have the semblance of sovereignty, freedom and justice; and where in reality only a few are masters of the destiny of the whole community.

So far we have seen that the fundamental principle of democracy is equality, which, when applied to society, means the absence of privilege - and hence the achievement of the maximum of justice. When this principle is applied to the state it means the ultimate control of the affairs of the state by the community as a whole; and when applied to government it means the actual administration of the state by the multitude.⁽⁷⁾ But unfortunately the "equalitarian principle of social democracy is generally accepted in theory, (but) it is not always applied in practice".⁽⁸⁾ And it is precisely because of this weakness that democracy, as we have shown above, is criticised and held as unpracticable, and almost impossible. Even the equalitarian principle is taken sometimes to mean more than it should; and thus equality becomes anarchy. This is in itself a danger into which democracy might drift. And it is precisely this that made

(7) Cf. Hearnshaw, p. 48.

(8) Ibid., p. 49.

Montesquieu say of democracy that "the principle of democracy is corrupted not only when the spirit of equality is extinct, but likewise when the citizens fall into a spirit of extreme equality, and when each of them would fain be upon a level with those whom he has chosen to command him.... Democracy has, therefore, two excesses to avoid, viz. the spirit of inequality which leads to aristocracy or monarchy, and the spirit of extreme equality which leads to despotism".⁽⁹⁾ For just as equality of civil rights is essential to general liberty, so also when equality becomes so 'equalitarian', a levelling principle, and is pushed into regions where it does not properly apply, it becomes fatal to freedom. "The deepest cause", says Lord Acton, "which made the French Revolution so disastrous to liberty was its theory of equality".⁽¹⁰⁾

Among the many criticisms directed against democracy, that of efficient government is one of the most important. It is held that democracy is unable to produce an efficient government, hence a truly just government.⁽¹¹⁾ There is, unfortunately, a wide and general agreement among many students of politics that democracy, has not proved itself to be competent of assuming the responsibility of governing the modern society. France and almost all the Latin countries are a striking example of the failure of democratic government. Such failures led people like Eduard von Hartmann to say that "democracy is the paradise of

(9) Montesquieu, Spirit of the Laws, Bk. VIII; ch. 11.

(10) Hearnshaw, p. 51, quoted from Butler, True & False Democracy, p.

(11) Cf. J.S. Blackie, Democracy, especially pp. 34-38.

the shrieker, babbler, word-spinner, flatterer, and tuft-hunter".⁽¹²⁾

Another criticism is that in democracy there is the tendency to excessive interference in detail; such interference as would bring pressure on the government itself, and thus divert even the magistrates from pursuing the straight paths of justice. Few of the most influential will always, it seems, have their own way against the government. Could we then speak of a just society when only a few get what they want, and the many suffer what they may? Is it just that, as the Times put it, the "sugar sellers" should be fined and the strike leaders released, just because the latter, though it is stated that they have committed offences for which "the maximum penalty was penal servitude for life", were members of a powerful organization which was able to bring immense weight to bear on the government?⁽¹³⁾ If this happened in 1917 there is every indication that it is happening now and that justice is not truly existing in our modern societies. Democracy, whether delegational or representative, has a flaw in it; it leaves great room for pressure-groups. Consequently justice, in such a democracy, signs by itself its own death warrant; for in such societies one can hardly get what is his own except if one is powerful enough to will what he wants, and what is his, and have it.

As the rule of the multitude - the majority - democracy is almost always unjust. A majority can be, and in most cases

(12) Quoted by Hearnshaw, footnote p. 56, from Hartmann's Fagesfragen.

(13) The Times, Thursday May 24, 1917. Cf. Hearnshaw footnote, p. 55.

it is, as tyrannous, and even more so, than a private despot. As the rule of the majority, democracy is "pretty sure to be either wrong altogether, or wrong in the excess of what it passionately feels to be right".⁽¹⁴⁾ Moreover democracy can almost always get the majority of the particular wills but very rarely the general will. And particularly in our present day large scale industrial society the rulers are not the people as a whole, but the industrial despots. It is they who make the decisions that affect most seriously the welfare of the masses of workers and consumers. It is they who dictate rules of justice. Thus justice is no longer in practice what it is in theory, namely, an ideal towards which the laws of the community look and aim. Consequently present day democratic institutions "do not solve the pressing problems for the masses".⁽¹⁵⁾ This is in itself an indication that democracy has not kept pace with the social evolution of society, still less with its economic evolution. It, therefore, looks as though democracy suits only the conditions of small scale industry.

But our society is very complex. Should we say then with Robert Michels that "the majority of human beings, in a condition of eternal tutelage, are predestined by tragic necessity to submit to the domination of a small minority and must be content to constitute the pedestal of an oligarchy?"⁽¹⁶⁾ The fact is that

(14) J. S. Elaskie, Democracy, p. 16.

(15) Coaker, Recent Political Thought, p. 304.

(16) R. Michels, Political Parties, tr. by Eden & Cedar Paul, p. 407, New York, 1915.

See also Coaker: Recent Political Thought, pp. 328-332.

we are so governed. Our task is to try to find that 'benevolent' minority that is ready to assume power for the sake of the society as a whole. For it is only through such a benevolent minority that we can hope to achieve justice in society. Otherwise, exploitation, as the case is at present, will never wither away. Moreover we have to be sure that a democratic form of government in the sense defined above, can never be established in any human society. It needs, as Rousseau pointed to it in his chapter on Democracy in the Social Contract, a society of gods. Human beings must then limit themselves to their actual world. Their ideal world must be drawn from their actual and not vice versa. Too much idealism distorts us and keeps us away from seeing the true hard facts of existence, the injustices which seem to be just, and the enslavement which appears as emancipation. We must admit that our present democracies are not democratic, in fact they are oligarchies. In our present day it is money which is ruling people - and the capitalists, disguised as democrats - govern the multitude. This is the sort of justice which is enforced at the point of the sword - only with one difference; the sword is replaced by a bank note. The poor remain poor, and thus they cannot thwart the rich, nor impose their own justice, mainly because power cannot be overthrown but by power. That is why in many of the democracies of this century great many revolutions are expected. This is usually the historical result of a new call for justice.

For democracy to live and for justice to prevail, we must

not look for the captain of industries, or the military hero, but the philosopher-king, he who knows how to stabilize society. But how can we arrive at such a king, such a philosopher when all the alleys of democracy are controlled by the money changers, business-men and industrial despots? How could we arrive at a new reorganization of society for the purpose of achieving both social and economic justice when nothing can be done which is against the will of the few who control all the walks of life? No liberty can exist, and no equality can be established, if money remains the dictator. Democracy today has in practice become the instrument of money, and the money holders. It is thus only through an overthrow of this power that real democracy as the rule for the benefit of the whole people can be achieved. This overthrow can be effected, not by a principle, but by another power, by the whole society. This, society can achieve not by the heaping up of riches, but by assuming the tasks of rulership, above and beyond all money advantage. But so long as the rulers rule for their own advantages, there will always be injustices committed and society will always be unjust. There is no use to talk of democracy in theory. For in practice, it has disproved its case. As a way of life democracy has not yet been completely realized. Attempts have been made, but to no avail. But the world is entering upon a new phase now. Will it succeed now where it has previously failed?

P A R T T W O
A N A L Y S I S O F J U S T I C E

C H A P T E R V I I I

Justice and Equality

An attempt has been made in the Introduction to define justice. And the partial definition arrived at was that justice, as an ideal of law and society, is a manifestation of the will-to-power both spiritual and material, and that, in its essence, it rotates around the nucleus of the culture of societies. Negatively, therefore, it is not an ideal of Natural Law, nor a manifestation of it. It is rather in its positive, concrete, and practical existence; an expression of the will-to-power of societies in their cultural and 'civilizational' development. This is by no means the final conclusion, because we still have to amplify it through the present analysis of justice as related to freedom and equality.

We need not stop to demonstrate the fact of the existence of natural inequalities among men. It has been alleged that absolute equality does not exist, and that any system which is based on this doctrine is bound to fail. Inequalities both mental and physical do exist. And justice will not be achieved if these inequalities are disregarded. It is only through a conscious awareness of them, which makes possible the achievement of a certain degree of equality, that justice can be established

in society. But there are, doubtless, among the inequalities which exist in society as such, and in our present society, some which either have become out-dated and therefore obsolete, or which are injurious to the harmony of social cooperation. Such inequalities, as manifested by certain privileges, have to be abolished before an achievement of justice is arrived at.

Again no system of law or jurisprudence has attempted an absolute equality of all people. It is in fact against the spirit of justice to judge all individuals on the same basis irrespective of age, sex, mental maturity, or moral awareness. Thus in matters relating to the civil equality of the people we have, I am sure, to assure the capacity and responsibility of each, so that each will be judged according to his own capacities. It is certainly unjust not to discriminate between differential capacities arising from essential differences in age, sex, or mental maturity. Thus the idea of equality, to have value, must be limited to particular comparable aspects of men's various situations. It is the most flagrant injustice to consider human beings as equal in all circumstances.

It follows from the foregoing that equality as a right does not exist absolutely. In fact there are no such things as definite absolute rights. For each right may at one time or another be sacrificed for another right, the end being man's self-realization. To deem certain rights as absolute is to hamper the progress and the development of man. Not even justice itself, taken to mean equity or fairness, may also be absolutely observed.

It might be sacrificed for another end or value which is intrinsically higher and nobler than itself. But this struggle between the rights or ends need not sacrifice the better values for the worse, nor the noble for the mediocre, as is the case today in our present societies. What we should attempt, to approximate self-realization, is a harmonious inter-relationship between these values or rights and our empirical situations, which inter-relationship will always crystallize in a nobler achievement.

Likewise it is impossible to frame absolute rules of justice. Human circumstances and occasions, in so far as they are empirical, are completely different. Should this fact be disregarded, we will fail to approximate a realization of our humanity. It is absolutely unjust to have absolute rules of justice that bear no relation to the empirical cases. Just as we cannot have absolute equality so also we cannot have absolute rules of justice. And Natural Law, as an ideal of both justice and equality, can only be considered as having a variable content.

Equality is thus not an absolute right. It could not be considered as an indefeasible right at all. Yet to achieve the maximum of social cooperation every society need have the principle of equality. Does this constitute a dilemma? At first sight it does, but when a thorough examination of it is made, the results point to a possibility of achieving an equality which in relation to the relative (the empirical situation), is absolute only within it. But our examination of the dilemma must

proceed along two lines: first, the fact that man is a social being, and that, therefore, only in society does he achieve his humanity; second, the fact that society is dynamic, and therefore ever moving towards higher penacles of self-realization as manifested in social cooperation.

In so far as man is a social being he is not born into a full state of sociality but to it. The achievement of his 'sociality' in terms of a homogeneous society is the end of his life. His uniqueness is a manifestation of his sociality not of his individuality. His individual existence, in so far as he is concerned, is no other than his corporate social existence, namely, his existence with other human beings. Thus when I say that man is born to a state of sociality and not into it, I mean that, in so far as the span of his life is concerned, man realizes himself the more he becomes social. For his sociality is natural, intrinsic, and essential. And all that he has of rights are by virtue of his being a social being. An awareness of society is thus an awareness of self, of that by virtue of which man is man. Man is an end in himself, but not an end only, for then we will be led into an atomistic pluralism which is not conducive to social cooperation, and hence to self achievement. When each individual is the end of himself and works for its realization, he will not be realizing himself qua one among many, but qua 'society'. For we should not forget that even as an end in himself, man is a member of the "kingdom of ends". This "kingdom of ends" is society itself. Thus when man is considered

at certain times as a means, his worth is not belittled, for he will thus be serving, though indirectly, the end for which he himself strives. His use as a means, when effected by society, is not capricious, and therefore detrimental to his personal worth as a social being. It is in fact an expression of his self realization as a member of the 'kingdom of ends'.

Again society, which is the context of human existence, is dynamic. Its history is the history of man. The more man becomes aware of himself the more society develops along the path of self-realization. Society is thus forever being unfolded. Its dynamism is of such a nature that it always creates new circumstances which ask for new interpretations. In this movement of society the past is not dead, but in-active. For in so far as the future contains the past, because the unfolding of society is such that the new always contains the old, the past becomes what we have come to call "tradition". The whole movement is, however, characterized as "civilization". The significant fact is that the dynamism of society must be at the basis of any consideration of equality and justice. For in so far as these principles are social, i.e. operative only in society, they are bound to be dynamic in their relationship both to each other as values or principles, and to the empirical situation characterizing the particular society in question. For the unfolding of society has not followed a uniform pattern. Particular societies differ in variant degrees from one another. This is due to the difference in the degree of social awareness, and therefore social

achievement, which each particular society has reached.

It seems we are bound, so far, to take the pragmatic position that an idea or a principle is true so long as it serves its purpose, and that once the situation that has given rise to it is no longer existing, it has to be cut off. The principle of equality among the early Brahmins in India, which was at the basis of the consideration of a Brahmin as being twenty times as much worthy as a non-Brahmin, is no longer in practice today. Some may say that this principle was then as it is now unjust - absolutely unjust. These people hark back to ideal laws and to Natural Law whenever they are faced with a situation of this kind. Their basic argument is that what is unjust is absolutely unjust, at any time and in any place. This position, I profess, is completely disproved by empirical situations. Laws and ethical conduct have grown in history not as conventions of society (when society is taken to be the result of a compact) but as expressions of the degree of 'awareness', (when society is taken to be the natural growth of man and his development towards his self-realisation.) The absolute nature of law and moral norms are expressed in the vast relativity of the human situation as a whole; i.e., at a particular stage of the development of a society both law and ethics are absolute rules so long as they are the expression of that particular stage of development.

Likewise the principle of equality is intrinsically related to society in the process of its development. The more society is developed, the greater is the need for a reconsideration of

the idea of equality and its relation to empirical existence. Ideas, just like institutions, may become obsolete. And if they remain effective in society when they are no more needed, they will definitely check and not accelerate the progress of society. In this connection R.H. Tawney says, "England, though a political democracy, is still liable to be plagued, in her social and economic life, by the mischievous ghost of an obsolete tradition of class superiority and class subordination, which naturally leads, . . . to paralysis and confusion in practical affairs".⁽¹⁾ To keep effective such obsolete traditions, principles, or ideals in a society which is always progressing towards new ideals has two regrettable effects: first, a recognition, in practice, of an extreme inequality; second, a weakening of the capacity for impartial judgment. Both these effects, if not surmounted, will check the administration of justice by identifying it with the capricious will of a class, no matter how small it is, and will, in the long run, harm society by disintegrating it. Thus there can be no effective administration of justice in any society if the principles on the basis of which justice is to be administered are not congenial to society. The recognition, in practice, of an extreme inequality will always tend to weaken society by preventing the homogeneous 'merging' of its members into one social entity, and will thus obstruct the progress towards social cooperation.

(1) R.H. Tawney, Equality, (Harcourt, Brace and Co., N.Y., 1929) p. 18.

Our modern society is plagued to a great extent with the inequalities which it had inherited. All the experiments which it has undergone in the form of Communism, Fascism, and National Socialism have proved unable to satisfy its needs and solve its problems. The indictment raised by these three experiments against capitalist society are true, in so far as certain institutions are concerned. For capitalist institutions, being essentially built on the principle of private gain, are, if left alone, detrimental to social cooperation. Nonetheless the solution offered by any of the above three experiments is in no way a solution. We may in fact consider them as an attempt to 'patch the problem' but not to solve it. For the problem is essentially more intricate than what Communism or Fascism takes it to be. It is not only economic or political, but social and psychological. And when I say social I mean that the whole pyramid of class stratification and individual cooperation must be changed in order to arrive at a more homogeneous cooperation within society. The communists attempt that; but they have chosen the wrong way. Economics cannot, ^{be} and indeed is not, the basis of society. Its basis is strictly social. In its existence it is manifesting a natural, essential, and existential need in man. The primary quality of man is his being a ratio-social being. The basis of society is his sociality. And thus both the infrastructure and the supra-structure ~~are~~ social. The economic aspect of his life is an outcome of his sociality; all economic problems must hence be solved in relation to the social context in which

man exists.

What Marx has achieved is a perversion of human existence. He did not accomplish something new when he indicted society (capitalism) with exploiting the workers. In attempting a solution he failed to give a panacea. He was not psychological enough to understand that inner working of the human personality. Workers denounce, and rightly, the injustices of capitalism. But not many of them realize that the survival of these injustices is due, to a large extent, to their incessant admiration as workers of the wealth of the capitalist. What Marx did, he being a bourgeois, was to inculcate hatred, in the hearts of the workers, against the class in which only the strong and the economically secure survive. Thus the workers as a class became really inferior to the bourgeoisie when they started to think of themselves as inferior to the other group. What Marx achieved was his partial success to turn this inferiority complex into a forceful movement. But the difficulties that hindered its progress were so many that only a revolution could overcome them. In advocating a revolution Marx has theoretically committed himself to a recognition, in practice, of the extreme inequality lying between the workers and the capitalists. And although his final aim is far beyond the revolution itself, the classless society in view is a scientific impossibility because economics, as an aspect of social life, is not capable by itself, to determine the shape of social existence. Needless to say the differences or inequalities existing among men are not economic only.

Thus Marx, in advocating the cult of inequality based on the hatred of the capitalist, has to a large extent inferiorated the class-movement whose ideal is obviously, as Tawney puts it, a 'social solidarity'. It is only within the domain of this ideal that the problem of equality in our modern capitalist society can be solved. We need only to depart from the Marxian contention (that economics is the infra-structure of society) and to attempt a solution of the problem of equality on the basis of social cooperation within the context of man's sociality. We need to give a higher value to human beings than to economic power. For it is only by considering the worker as a member of society, and the interest of society as the general interest, that we can achieve an equalization in the treatment of the worker and the capitalist. The object of this equalization in treatment is to keep the loyalty of both worker and capitalist to society as a whole and not to his own person or class. This social loyalty is the basis of a smooth social cooperation which will lead to the general welfare of society, which is definitely the welfare of all. It is, of course, a matter of justice to look at the lot of the worker as well as to the capitalist in such a way as neither is made happy at the expense of the misery of the other. And surely social cooperation is arrived at through social harmony. Thus to do away altogether with the capitalists does not cure society of the cancer of social disharmony or incessant class struggle, but will eventually kill it.

The Industrial Revolution, in which we are still living,

has engendered a society in the form of a pyramid with a very acute apex and very steeply sloping sides. It is characterized by the existence of a big majority strictly dependent on wages and thus liable to be exploited by the small, but economically powerful, minority. This sharp division has in its turn created a sharp distinction between the upper and the lower grades of the economic hierarchy, between those who direct and those who are directed. To a certain extent we cannot avoid in society the existence of at least two of these groups: the directors and the directed. What we should avoid is, of course, the exploitation of the directed by the directors. Again we should leave room for the golden nature* to show up, no matter from which class it is coming. We should not, in this sense, confine the leaders of society to a certain class. Those who will have to direct in the future must have, in their childhood, mixed freely and spontaneously with those whom they are to direct.⁽²⁾ There is no doubt thus that we must admit the existence of a superior minority. For "progress depends, indeed, on a willingness on the part of the masses of mankind... to recognize genuine superiority, and to submit themselves to its influence".⁽³⁾ But this minority should be such that it will always have the general interest of society as its immediate and ultimate goal. Justice will then be based on an equality of treatment which is itself based on an equality of opportunity and circumstance. Otherwise justice will

* Reference is here made to the Platonic tripartite division of men into gold, (rulers) silver, (soldiers) and brass (commoners).

(2) See Tawney, p. 83.

(3) Ibid., p. 99.

be identified not with the will of society but with the capricious will of a minority as has happened lately in Germany, Italy and as it is now happening in Russia.

Again the great plight of our modern capitalist society is not so much in its consideration of inequality as merely devolving from economic disparity, but as devolving from juristic acknowledgment. What the French Revolution actually stood for in advocating equality was not that all men are equally intelligent or equally virtuous, but that "the unity of their national life should no longer be torn to pieces by obsolete rights and meaningless juristic distinctions".⁽⁴⁾ The French Revolution attacked a privilege that was ingrained in the social stratification of the French society. It was the special economic advantages guaranteed to particular classes by law. Before abolishing all legal foundations for such advantages no unity of national life on the basis of homogeneous class relations could be envisaged. The task of the French Revolution was to free our modern society from the legal bonds that tied it to the ground and prevented it from achieving homogeneous unity and social cooperation. In this connection we should bear in mind that the meaning of the term 'equality' as understood by the equalitarians of the eighteenth century was strictly the creation of the special circumstances of a particular age and an economic environment. Thus both the meaning of the term and the methods that were adopted for its realization were strictly confined to a particular epoch which

(4) Ibid., p. 36.

demanded a new consideration of the problem of equality on the basis of the actual conditions of the day. And since in France the inequalities were juristic and not economic, the form, which the equalitarian programme adopted by the Revolution has taken, was, to a large extent, dictated by the character of the inequalities then existing.

The Revolution had thus directed its effort towards abolishing legal privileges and not inequality of wealth. That is why our modern society, thanks to such struggles in the past as the French Revolution, has inherited a legal equality, though by no means economic equality. Our modern society has tried in three different experiments, to achieve economic equality, but to no avail. In all these experiments equality in the form of economic security and not economic equality was achieved either at the loss of political liberty or not achieved at all.

And yet to speak of absolute economic equality is a waste of time. With the differences subsisting among individuals both physically and mentally we cannot possibly advocate a theory of absolute equality and remain true to the concrete facts of our existence. Absolute economic equality is a scientific impossibility. If we can conceive it in theory, we cannot certainly adopt it in practice. If Babeuf had attempted it in theory, Communism in Russia has repudiated it in practice. Babeuf, in advocating a theory of absolute economic equality, failed to give a principle for correcting natural inequalities. Again how could we possibly speak of economic equality in the absolute when

the same amount of goods have different values to different individuals? It is true that all people need food, shelter, and clothing. But even here in these most urgent needs, not all people may live on the same amount of food or clothes, and the same kind of shelter. Moreover, were this principle of absolute equality to be taken as a governing principle, justice would demand not only that the distributive shares of the products should be equal, but that "the work by which the products are obtained should be apportioned by the same standard". Or as J.S. Mill puts it, "It is a simple rule, and under certain aspects a just one, to give equal payment to all who share in the work. But this is a very imperfect justice unless the work also is apportioned equally". (5)

But in our modern technological society it is unjust to repudiate equality altogether. We have to have 'equality', and especially economic - but only to a certain extent. For without that minimum of equality no homogeneity in the social group is possible, and hence no cooperation. Society must thus allow the Golden Rules to show up. *La carrière ouverte aux talents* must not only be held in principle but also in practice. Certain privileges either customary or juristic which we have inherited, and which are no longer congenial to our present social status, must be abolished. Equality must be taken to mean, otherwise it is devoid of any significance - that adequate opportunities for all are laid open. The potentialities of all as members in

(5) W.W. Willoughby, Social Justice, (Macmillan, N.Y., 1900) p.74.

the social entity must develop in a way conducive to the general good. Our business, as Laski rightly puts it, is to assure such an education to all as will make every vocation, however humble, one that does not debar those who follow it from the life of intelligence. ⁽⁶⁾ Otherwise we cannot possibly arrive at the social harmony which is the cause of all social stabilization and social achievement.

However there is a certain margin of 'inequality' - healthy inequality - that we must assess. For although, on the one hand, we must grant that ultimately it is a very small minority which monopolises power (it must, however, be for the general good lest it be tyrannical), on the other we must not believe, as some do, that civilization is the business of the elite. It is the common concern of all - the gold, the silver, and the brass. But our modern industrial society, known as capitalist, is not divided so as to assure the maximum of opportunity to every individual. "The forces which cut deepest the rifts between classes in modern society are obvious and unmistakable: a) inequality of power, in virtue of which certain economic groups exercise authority over others; b) inequality of circumstances or condition". ⁽⁷⁾ Such inequalities are not only injurious, but also detrimental. No justice can possibly be achieved in a society so deeply cut as to have the majority deprived of the necessities of civilization which only a small minority enjoys. But inequality of power is, however, inherent in the social structure.

(6) Harold Laski, Grammar of Politics (Yale University Press, 1925) p.155.

(7) Tawney, op. cit. pp. 134-137.

For in societies like ours it is quite impossible to speak of the democratic form of government where all people share directly in the affairs of the state. In our modern societies action is impossible unless there is an authority, and it could not be all the nation, to decide what measures should be adopted, and to see that its decisions are, in practice, applied to all. This inequality of power must be tolerated only when the power is used not for individual purposes, but for the welfare of the community as a whole. From this it follows that inequality of circumstance, of occasion, or opportunity must also be tolerated if it can secure a better social environment.

Accordingly, therefore, the sentiment of justice is satisfied only by giving equal circumstances equal treatment. There is no point at all in treating all individuals identically. In fact this will render our treatment unjust. Individuals must however be treated, as Tawney has correctly put it, "in the same way in so far as they are human beings" (i.e. we must give them equal opportunities to develop their potentialities) and in different ways in so far as, being concerned with different services, they have requirements which differ".⁽⁸⁾ In so far as this equality of treatment is accorded within the context of the equality of opportunity justice is achieved. For what a society actually needs is that its work should be done with the utmost of cooperation, and the least friction. 'From each according to his ability to each according to his need' does not give a general panacea

(8) Ibid., Tawney, p. 139. The Parentheses are mine.

to the problem of justice in society. For, as I have shown above, ⁽⁹⁾ there is no identity of needs among men. This solution may, however, be true up to a point, i.e. where urgent needs, such as food, shelter, and clothing are concerned. But when these urgent needs are satisfied, the differences that all men encounter, must, as Laski puts it, be "differences their function requires; requirement involving always the context of social benefit". ⁽¹⁰⁾

In trying, therefore, to solve the problem of justice in society we should not resort to such theories that bear no relation to our actual existence. Such theories, as Communism, which forget to draw the line between urgent needs and non-urgent needs, and which, in judging society as absolutely resting on economic foundations, have perverted our social existence; again theories as Fascism or Nazism which, although they might have succeeded in changing the economic conditions in both Italy and Germany, have failed because they represented a temporary measure for a temporary situation. Even if Nazism had granted the Germans equal opportunities and treated people of equal circumstances equally, it could not have been, as a theory, capable of survival because it lacked the fundamentals of social cooperation. German and Italian economy was an economy of war, and therefore an economy of crisis. Hence it was temporary and lacked all the elements of a universal panacea. The problem is thus not one of equal opportunities only, but also one of understanding properly the

(9) Supra, p. 168.

(10) Laski, Op.Cit. p. 159.

social nexus, the inter-relations of individuals within society.

But if we are to arrive at economic equality (equal opportunity and equal treatment to equal circumstances) we have to be courageous enough to hew down a great deal of the institutions that hinder the achievement of social cooperation. Great inequalities of wealth make impossible the attainment of freedom and the merging of the different classes in society in such a way as to achieve homogeneity. The existence of antagonistic camps will always obstruct social cooperation. Inheritance as such is one of the greatest causes of inequality in the actual distribution of property and wealth. And wealth, even though it is under individual control, must be considered as ultimately social. Any work, whether individual or collective, must be directed towards the general welfare of society as a whole. For the tendency of economic power in the industrial society is always to be massed in blocks and concentrated in a few. In such a case there cannot possibly be any achievement of justice or social cooperation. Rathenau once remarked that the economic life of Europe was under the control of three hundred individuals.

(11) Under such conditions it is very difficult to speak either of economic equality or social harmony. Our modern society will be doomed to misery if it shall remain under such conditions that when "Lord Melchett smiles, . . . , there is sunshine in ten thousand homes. (When) Mr. Morgan frowns, . . . , the population of two continents is plunged in gloom".⁽¹²⁾

(11) Cf. H. Kessler, Walter Rathenau, (1928), p. 121; see also Fawney, Equality, p. 214.

(12) Cf. Fawney, Equality, p. 215.

What we have to fight against in our modern society is excessive individualism which makes for an abnormal social stratification that will check the achievement of social harmony. Economic equality is a watchword of this century, and probably of many centuries to come. The *Leissex-faire* economy, which is essentially individualistic, must retreat to the background, to give room to controlled economy, which is essentially social. It is high time that we properly understand that man is a social being and that only within society that he finds his realization. Moreover that society is not just an aggregate, the sum total of all individuals, but rather in its highest expression, it is a manifestation of that by virtue of which man is man, namely, his ratio-sociality. Its welfare is the general welfare of all. It does not represent man organically, but culturally. Man exists in it as a cultural unit; and thus he shares in its development. Civilization, as I have said above, is the business of all the individuals, and not of a certain class or group of people. When an individual sacrifices himself for its sake, he perpetuates himself as History, Tradition, and Culture. But for such sacrifice to become possible, there must be achieved in society a social harmony, a homogeneity of relationships which will secure the individual against the caprice of others. For that we need a reconsideration of our present situation in the light of our most urgent needs necessary for the accomplishment of social cooperation.

If each epoch has had its own watchword, and if the French

Revolution had 'legal equality' as its watchword, ours should be, existing as we are in this modern technological society, equality of opportunity, which is the only basis for economic equality. It is only in a society where every career is open to talent, and where all enjoy the same opportunities, and receive equal treatment to equal circumstances, that a true democratic form of society is possible. It is only by considering equality as proportionality and harmony that social cooperation can be achieved. There is no use having legal or political liberty if one does not enjoy an economic equality. And whereas the former has been bequeathed to us by the French Revolution and by movements previous to it, such as, the Reformation, the latter has still to be created. It remains for us to take this step and launch our societies into the ocean of social cooperation and self-achievement.

C H A P T E R IX

Justice and Liberty

The existence of man on earth is forever an existence for struggle - a struggle for emancipation and self-realization. And the sign of life in man, as an individual and as a society, is the renewal and perpetuation of the struggle to emerge from all that cramps his existence or curbs his aspirations. It is a struggle for freedom, for emancipation of that which obstructs the progress of the human spirit, and for the achievement of a homogeneous social cooperation in which every individual can truly find himself. It is true that we have not yet reached the end of the road. We have escaped from one form of control only to fall in another. Our emancipation is not yet final. But it is precisely that which makes our life meaningful, for we go on struggling, realizing, and achieving. And once we cease struggling, once we accept the chains, no achievement can be possible of attainment, no matter how poor it is. Our struggle for the attainment of freedom is in the core of our existence, firstly, as rational beings and, secondly, as social being. But if we can draw this distinction in abstract theory we cannot do so in concrete practice. We exist as ratio-social beings. It is only as such that we struggle - always for a better life and a better social environment.

Human life, if deprived of freedom, is not worth living. And no society can possibly attain a true harmony of its ends

if it is under the capricious control of arbitrary rulers. Without liberty we remain in chains, we lose our humanity, and we fail to realize ourselves. Our need for liberty is essential both for our personal and communal or social life. But what we need is not liberty only, not liberty in the sense of absence of restraint. With it we need have discipline, a sense of duty, and the ability to put into practice that which is the maximum expression of our existence qua social beings. When liberty means only absence of constraint it becomes anarchical, chaotic, and capricious. When it loses its own self-determination and becomes determined externally, it becomes despotic and tyrannical. Both these 'liberties' are detrimental to society, because they do not emanate from it, as an expression of its aspiration towards self-realization.

There is no 'free liberty' in our social life, nor even in the whole universe. We, as individuals within society, are determined by the social nexus. We cannot act as though there were only us in the world. Our social existence is such that we exist with others. Whether we like it or not we have to comply with this fact. Existing as such, we have, ever since we were created, been trying to assert ourselves. For this assertion, for this self-realization we need to be free, not only personally but socially. For even in a despotic state, man is to a certain extent free. There is no power, save supernatural, if any, that can interfere with the realm of the head. Man is both able and free to think for himself.

Our struggle for emancipation is therefore continuous. And history in its highest expression, represents the struggle of the unfree to become free, and of the free to maintain their freedom. For man, as a social being, can never hope to achieve himself except freely and in a context which recognizes his freedom. Morally speaking, no man can be spoken of as a moral being unless he is free, because morality implies responsibility. And no one can be responsible for an act which he was forced, against his will, to do. If that holds true in the moral realm, (it does, of course,) it also holds true in the political and social realm. In fact freedom will lose its meaning if it is confined only to the personal realm.

My point, however, in this discussion is this, that our modern society, to be able to achieve justice, need have both personal and political liberty. Those who think that if there is in society economic equality, there will be no need for political liberty, do not differ from the despots of the 17th century. Economic equality, as I have pointed out, is not sufficient, though by all means necessary, for the achievement of homogeneous social cooperation. Any society which relinquishes its right to liberty condemns its own existence. And our modern societies, more than ever before, need have both economic equality and liberty. Without the latter the former is devoid of its essence.

Liberty, like equality, has acquired many meanings. The meaning assigned to it at present is different from that it ac-

quired during the Reformation or the 17th century. Its meaning nowadays and the methods adopted for its realization are the creation of the particular circumstances not of a special age only, but also of a special social and economic environment. During the Reformation, for instance, liberty meant primarily religious emancipation. The French Revolution understood by it political emancipation. The Industrial Revolution, with its problems of economic power and economic exploitation, led the socialists to understand by it economic emancipation from the grip of the greedy capitalists. To Marx it meant the absolute control of the machinery of the state by the workers. For the workers could not be free except if they own the means of production. Thus we notice how the problem of liberty changes with each age. And this change is essential for the achievement of justice. Moreover this change is bound to happen, because society is forever in a process of dynamic growth. The problems of today are different from those of yesterday and those of tomorrow.

Again in society there is no absolute liberty just as there is no absolute equality. The liberty of one may mean the constraint or destruction of another. But for the establishment of a just order of social cooperation a certain degree of harmony is essential. Harmony demands that the liberties of the different individuals within society be collateral with the freedom of society as a whole. There is, hence, freedom just as far as there is harmony. This degree of freedom, which we might call the minimum which society needs, is what we have to look for in

our modern society. The order of social cooperation is capable of achievement through a true understanding of both equality and liberty.

Our modern society, industrial as it is, does not need only political liberty, but also economic liberty. If the workers remain under the economic control of the capitalists, and if the machinery of the state remains also in the capitalist class, no social cooperation can be envisaged on the basis of harmony. For the interests of both workers and capitalists are different in such a way that harmony becomes impossible. A mere change of the persons who are governing will not solve the problem. Nor will the problem be solved if the workers, as Marx says, take over the machinery of state. We will be only reversing the situation without attempting to cure it. But this Marxian conception of liberty, based, as it is, on the hatred of the bourgeoisie, is not constructive. To shift political power from one class to another without effecting a homogeneity of interests in society will not precipitate in a just social order. For political liberty must not mean political exploitation. And if man's life loses its worth if it is not free, what shall man benefit from an order that guarantees him bread and butter at the expense of that which makes his life meaningful? Man does not live by wages only. He needs to be allowed the minimum of opportunity to develop freely his potentialities. And we have seen so far that neither Communism nor Fascism (Nazism) has proved capable of creating that atmosphere of social cooperation which is the

only guarantee of a just society.

Communism does not work for man as a social being, but for an idea which is alien to human existence. In conceiving man as a member of a class and not as a social being, Communism distorts the human reality. In breeding hatred in the hearts of the proletariat, it obstructs the progress towards homogeneity and social cooperation. It errs again in considering the ideal of life to be economic equality. And although the proletariat must assume political power in the transitory stage, as Marx says, it is not society as a whole, nor even the proletariat, who are in actual control of power, but a very small group of bureaucrats and high party officials. What kind of political liberty is there in Soviet Russia when only the Party members are eligible for election? Political liberty must, no doubt, mean not only the right to elect but to be elected too.

In our modern industrial society liberty, especially political, is a matter of degree. Thus political and economic liberty must mean, if we hope to achieve social cooperation, the absence of economic inequalities which can, in one way or another, be used as a means of economic constraint. In this context we should not forget that we are dealing with society as a whole and not with separate individuals. "The good of each individual is a part of the common good".⁽¹⁾ Thus his liberty is in relation to that of society as a whole and never is absolute in itself. Again those in society who are more socially aware and conscious

(1) L.T.Hobhouse, Elements of Social Justice, (Henry Holt & Co. N.Y. 1922) p. 63.

of the common good are necessarily and comparatively 'more free' than those who are less aware and socially conscious.

Again people must know, as Laski puts it, that "the actions of the state are their own. They must learn that they will realize justice only to the degree that they bend their efforts to the making of justice".⁽²⁾ The laws of society are not external laws. When they emanate from it, they represent the will of each individual as manifested by the will of society as a whole. They also represent the good of society, and therefore the good of its members. Unlike the totalitarian orders a true democratic order manifests the free inter-relationships among the individuals of the same society. And while the law in a totalitarian state is the expression of the capricious will of one individual, in a true democracy it is the expression of the will of society as a whole. It is only as such that we can speak of political liberty in society - as a positive and active liberty.

No one, however, may claim that political liberty must begin and end in the individual. For if the individual should be the final measure of all acts and the judge on matters pertaining to the whole community, it will be very difficult, if not impossible, to arrive at a consensus of opinion. And if this individual freedom should mean that the individual is absolutely free to act in whatever way he likes, then we can hardly conceive of homogeneous social cooperation. It could be that this attitude to liberty was congenial to man just emerging from the Middle Ages

(2) Laski, Op. Cit. , Grammar of Politics, p. 171.

and after the Copernician revolution. It certainly is not the same attitude of our modern era. And while society, before its complete industrialization, and in the days of Bentham and Kant, was asking itself the following question, "how shall we justify the grant to each man of that maximum sphere of freedom from legal control which is being claimed?", in less than a century later it found itself trying to justify the limitations on the freedom of individuals which it was compelled to impose.⁽³⁾ The difference in time has effected a difference in the content of the concept of liberty.

Excessive individualism leads to anarchy; and in anarchy there is no liberty - hence no justice. The strong is comparatively 'more free' than the weak. Should there be no control on his 'strength', on his 'freedom', the weak will not have the chance to live decently or live at all. The complexity of our modern society makes it incumbent on us to curb the capricious will of the individual. There is no more reason, I believe, why men should be allowed the free use of their wealth or their brains than their physical power, as they like. Society, to be able to live peacefully and harmoniously must set limits to the liberties of the individuals. It is high time that our modern society must act in favor of all its members, and not in favor of a few only. And it is a matter of justice to harmonize the wills of the individuals in society in such a way as no one individual may be able to reap the benefits of all.

(3) Stone, Op. Cit., pp. 210-211.

Rousseau was right when he said that law, to be just, must emanate from the general will. And the general will means the will of society as a whole and not that of a group in it, no matter how large it is. Again, there is a great difference between 'regular' power and 'arbitrary' power. One is free, if one is bound by a law which represents the general will of all and aims at the common good. But one is not free at all when one is at the mercy of individual caprice. In both cases there are limitations. But whereas in the first case one is self-determined, in the second he is determined from outside. The difference obtaining between the two cases makes for the distinction between democracy and totalitarianism. For society to live harmoniously, therefore, there must be a harmony of the interests of all the individuals. This can be arrived at when the law which binds all, enslaves no one. In other words when all individuals set freely within the boundaries of the law which is the expression of their general will.

Our modern society, suffering from the injustices of excessive individualism as manifested by absolute capitalism, has embarked on three social experiments, and failed. Two of them have failed completely; the third has failed at its inception, but is still continuing as a new experiment. All three experiments misconceived the human reality. And while their diagnosis of the social situation of society under capitalism was to a large extent true, the remedy they prescribed was absolutely fatal. If there was 'little freedom' in capitalist society, there

was, I am sure, no freedom in either Communism or Fascism. For in both Communism and Fascism the law represents the capricious will of the individual and not that of society. Again even in communist Russia, where the state is supposed to be governed by the proletariat, no worker can move freely from one job to another. ⁽⁴⁾ The economic freedom of which the Soviet Government boasts is a mere illusion. And if liberty does not mean the ability to act or even to resist what will be its *raison d'être*? In Russia, as in Nazi Germany and Fascist Italy, liberty has lost its *raison d'être*, and is therefore non-existent.

But that does not absolve capitalist society from its injustices. For so long as few individuals own the means of production and exercise economic power over the majority justice is unlikely to be achieved, because economic power breeds political power. The two are inextricably interwoven together. Virtually speaking, only a few are free, whereas the majority are in absolute bondage. All this is due to excessive individual control over the means of production. Thus for social cooperation and social harmony to be achieved equality must imply "the deliberate acceptance of social restraints upon individual expansion". ⁽⁵⁾ And liberty must not mean the freedom to act as one pleases, but the ability to act for the common good. There can be no other meaning for liberty at all.

It is not sufficient, therefore, to achieve economic equality on the basis of equality of opportunity and treatment. We

(4) Soviet Taboos; W.H. Chamberlin; Foreign Affairs, (Vol.13, No.3, 1935).

(5) Tawney, Op. Cit., p. 219.

must achieve, as well, economic freedom. In this respect capitalism, as a social institution, has failed, because it separates labor from ownership. In so doing it obstructs the homogeneous relationships of the individuals in society by creating class interests, based on class distinction, and by perverting the relations between masters and subjects. Thus so long as the means of production are owned by a few, and so long as society does not exert any control on them, there can be no harmony of ends and hence no justice in society. Such an economic situation will leave the worker absolutely insecure, and, therefore, unfree. Liberty, taken realistically, must mean not a minimum of civil or political rights, but "securities that the economically weak will not be at the mercy of the economically strong".⁽⁶⁾ Capitalism as such does not furnish us with this guarantee.

Again with the existence of so many privileges in our modern society we can hardly hope to achieve economic freedom or political liberty. It cannot exist "where the rights of some depend upon the pleasure of others".⁽⁷⁾ Inheritance, in this respect, is one of the greatest obstacles that faces social cooperation. It makes for sharp distinctions between people who have been on a par. In that it obstructs the progress of economic equality, by vesting certain individuals with certain privileges. And if society does not abolish such privileges, in one way or another, the livelihood of many may be destroyed, as Laski says, by the whim of an employer. For in our modern society he who

(6) Ibid., p. 226.

(7) Laski, Op. Cit., p. 150.

enjoys economic power enjoys political power either directly or indirectly. Thus for society to achieve justice economic power must be vested in society as a whole; or society, in one way or another, must control economic power in such a way as to be able to achieve security and the "opportunity to find reasonable significance in the earning of one's daily bread".⁽⁸⁾ Justice, therefore, demands that democracy must not only take the form of the right to vote and be elected. It must exist in industry as well. This means that industrial government is, in its essence, subject to the system of rights which obtain for men as citizens, as members of society, and not, therefore, as mere workers or wage earners. Workers are free only when their lives are secured and when they are not used as means for the capricious ends of the capitalists. And both worker and capitalist will be free when they work for the good of society and not for their own interests.

It is therefore the right of the individual, be he what he may, to live, but only in so far as his life and his actions are conducive to the general good of society. His liberty, as a right, must mean the opportunity to do something. But he must not be allowed to act contrary to the common weal. In coercing an individual society is not impinging on his rights, but is rather directing him towards the social good. By so doing society will be preserving itself against the caprice of the individual. If society confiscates the property of an individual,

(8) Ibid., p. 148.

it does so on the basis of realizing the social good. When the Labor Government in Great Britain nationalized the coal mines, it did so not on the basis of caprice but on the basis of social necessity. The end envisaged by the Labor Government was not the good of the Labor Party but that of the whole British nation.

The need for coercion is, therefore, necessary to the extent when only through it can social harmony be achieved. The problem of our modern society is thus clearly one of bringing such force, as is still necessary, under the responsibility of the whole of society, and of destroying, at the same time, all power that cannot be made socially responsible. Certain privileges, that make for unwarranted social distinctions, must be abolished if ever we hope to achieve a homogeneity of the interests within society. Thus economic freedom, in so far as it makes for economic security and economic equality, must never be based on economic power when the latter is manifested individually. Economic power must, therefore, be harnessed. And it is only, when we consider it as belonging to society as a whole, that we can be able to achieve economic freedom. It is not thus sufficient to talk of equal justice in society. Marxian politics aimed at it. But how far is applied Marxism true to this doctrine? It is not true at all, says Mrs. Anne O'Hare McCormick, "...It will take a long series of five-year plans before the Soviet woman can buy a dress, a hat or a pair of shoes for anything near the price a New York working girl paid for her Easter outfit. The distribution of wealth in this country (U.S.A.) is far from equable

or general, but it is wider than anywhere else on earth. The distribution, more than the accumulation (of wealth), irks the Soviet leaders, because it underlines the pregnant fact that there is no communism in the Marxist sense in the Soviet Union".⁽⁹⁾ Russia, no matter how much the Soviet leaders boast or the Communist bosses echo their words, is far from being a happy country. And just as it lacks many of the products of other states it lacks also the fundamental spirit of both economic equality and economic freedom. Without these two freedoms we can hardly speak of social cooperation and social justice.

The plight of our modern industrial society lies in its consideration of the worker not as a human being and, therefore, a member of society, but as an economic automaton. This is more so in Soviet Russia than in the capitalist states. For his freedom, as Communism conceives it, is negative. He is free to elect only Party members; and free not to criticize the government; and free not to change his job or ask for a raise in wages. He is free only to be a slave, and that is what he is, because the system, under which he lives, offers him no other alternatives. In return for what the Russian worker gets in terms of food, shelter, and clothing, he gives up all the rights that make him human - his freedom to act for the common good. The paradise that Marxism promised him Stalin has realized it for him; but instead of being a paradise, a Garden of Eden, it is a hell. It

(9) See Time Magazine, (vol. LIII, No.17, Ap.25, 1949) p. 7. Mrs. McCormick is the New York Times Columnist, who spent half a lifetime observing the world's wars and truces, its generals and despots, and its sad and patient masses.

is, of course, a terrible system of social life, an incredible social justice, when the Russian worker cannot afford to eat as any other Russian of the upper classes. What difference is there between this system and the one that preceded it, when in both cases, the worker is the losing party? It is one thing to talk of economic equality and economic freedom, and another to realize them in society.

This criticism, however, of Communism, does not absolve Capitalism of its vices. The anti-social attitude of Capitalism destroys the integrity of society and obstructs the achievement of social justice. Capitalism must know that it is society which is ultimately the owner both of wealth and the means of production; that the worker is first a social being and a member of society; and that the interest of society as a whole - the common weal - is the final goal. It is only through such a consideration of social life that economic equality and economic freedom can be realized; and hence social cooperation can be achieved. Democratic society cannot be achieved when a few in power work for their own interests and where the rights of some depend on the pleasure of others. And if the safety of society is not the supreme principle to guide us in the formation of the concept of justice, what other principle can we follow? To achieve social cooperation and social justice we need to extend liberty and equality as far as we can without endangering society. When there is no danger to society, people may be given much freedom to do as they like. But even here freedom does not mean the a-

bility to act contrary to the general good of society. Nor does it denote political freedom in the sense of freedom to write, speak, or form associations. But it means freedom for the development of the human potentialities for the establishment of a better social order. It is in fact freedom for self-realization. It is the freedom which enables us to say with Kant, 'we can do what we ought'. And what we ought to do is to live for society, for it is only in it that we can enrich ourselves.

It is only in society that freedom can be realized. It is only when society regulates production and owns and directs the means of production that economic freedom can substantiate. In its highest expression liberty, as Durkheim puts it "est le produit d'une réglementation. Loin d'être une sorte d'antagoniste de l'action sociale, elle en résulte. Elle est si peu une propriété de l'état de nature qu'elle est au contraire une conquête de la société sur la nature".⁽¹⁰⁾ Thus it is only as a social being, as a member of society that man can be free. And social justice can obtain only in a context of freedom and social harmony.

(10) Emile Durkheim, De la Division du Travail Social, (5th edition, F. Alcan, Paris 1926), p. 280.

"For Freedom, we know, is a thing that we have to conquer afresh for ourselves, everyday, like love; and we are always losing freedom, just as we are always losing love, because after each victory, we think we can now settle down and enjoy it without further struggle.... The battle of freedom is never done, and the field never quiet".

Henry W. Nevinson,

Essays in Freedom, p. XVI

P A R T T H R E E

C H A P T E R X

Towards a Better Achievement of
Social Justice

Introductory Note

Laski says that 'no theory of the state is ever intelligible save in the context of its time'.* And no theory of justice, as well, is ever intelligible save in the context of its time. What men think about social justice is 'the outcome always of the experience in which they are immersed'. And since we are, as societies, different from the 15th century societies, our solution of the problem of social justice shall likewise be different, because our experiences vary. If capitalism, pure and unadulterated capitalism, could solve the problem for the decaying feudal society, it is not, existing as we are, capable of solving the problem of social justice for us. If the means of production shall remain in the hands of a few, we cannot possibly achieve a social harmony necessary for social justice. The state in our modern society must, as a supreme coercive power, be used 'to protect and promote' the interest of society as a whole and not of certain groups or individuals. There is thus a crisis in

* Harold Laski, Grammar of Politics, (Allen and Unwin Ltd. London, 1948, 5th ed., 9th impression).

the theory of social justice. This is not, by any means, characteristic of our modern era. Indeed, it is a characteristic of every period of transition. Ours is a period of transition. The world is parting company with the institutions of capitalism. They are no longer congenial to our modern societies; and our old theories of justice have thus to be neglected. We need to look down again at the constitution of our society, because the crisis is imminent in it.

Most theories of justice devolve from Natural Law. Hence they are rigid and, in most cases, not practical. It is precisely because of this that most theories of justice, that have been advocated ever since antiquity, have not succeeded in achieving that minimum of harmony and social cooperation necessary for the establishment of justice. Again Natural Law is taken to be an ideal, immutable law of life, which it is not. For the history of man is the story of his self-development, which has always been dynamically changing. And law has been no other than the expression of the degree of development, civilizational and cultural, of a society. Accordingly every civilization, and most particularly every society in the process of its development, has its own definite postulates for law. It is thus the duty of society to shape, from time to time, the law according to the requirements of its own civilization. In this case not every law

is suitable for any society at any period of its existence. It could be that what is good for one particular society might mean ruin to another. Thus there could not possibly be one ideal, immutable law, from which all societies draw their laws, or even aspire to. There are different laws - just because there are different societies.

Accordingly, therefore, there is no one immutable ideal of justice. The laws of a particular society are either just or unjust not in relation to an ideal justice, but in relation to the society itself. Laws are just when they conform to the needs of a particular society and when they effect, through their application, a harmonious cooperation among the members of that society. And just as institutions become obsolete, so law loses its meaning when it no longer is able to achieve social harmony. In this case the postulates for law must be changed. Otherwise the law of that particular society, which had been at one time the guarantee for social justice, will be making for injustice. Rules regulating the relations between the feudal lord, his vassals and his serfs, cannot possibly be just, or even lead to social cooperation, in a society like the American or any other highly industrialized nation. For the situation, that has given rise to the particular postulates of the law pertaining to the feudal society, has changed, and with it the postulates had to change.

Thus neither the law nor the situation that has given rise to it is, in the process of the development of society, absolute.

For both the law and the situation are changing. Yet the just law, namely, the law conforming to the needs of society and making for the achievement of social harmony, is absolute so long as it is congenial to society, and in so far as its existence as such is a condition sine qua non for the realization of justice. The law is thus absolute only in relation to a particular relative situation - i.e., in so far as it is an expression of its own degree of cultural development. Thus for justice to be established the law must vary with the situation that has given rise to it. The plight of our society lies in our failing to realize the change in the social situation. Our adjustment to the change is coming very late; and that is always obstructing us from accomplishing the state of equilibrium between the social situation and the law arising from it.

Nonetheless justice remains to be the 'ideal' of all societies. All societies at all periods of their existence have tried to achieve justice. Theoretically, we could speak of justice abiding in a separate realm of its own. And theoretically again, justice has no value besides being a theoretical value in itself. We may even attribute to it ontological existence, as did Plato to his ideas. But the crucial point, however, is when justice is transferred from a mere theoretical value into a practical, existential value. In this case, I believe, Justice loses its theoretical absoluteness and puts on a relative absoluteness, because its application varies constantly with time and place. Thus what we may conceive of as unjust, the Aborigines of Australia may find

in it the maximum of justice. And it could be, as I believe it is, that their concept of justice may mean to us nothing but injustice. Yet what the Aborigines do, which is in conformity with their own laws and civilization, is just. The difference between us is that we are far more ahead of them culturally and, hence, more 'advanced', or 'civilized'.

The solution of the problem of justice is thus not achieved through stipulating an absolute theory which must be applied at all times and places. For 'situations', 'circumstances', and 'occasions' of different societies vary. The laws of the most advanced societies will not be able to establish justice in the most backward societies, because there is an essential difference between the 'experiences' of these societies. The backward societies must at first reach the civilizational stage of the advanced societies before they can adopt their laws. We cannot just transplant the laws. We have to reach them, achieve them through 'developing', through 'advancing' towards a more civilized state. Thus each society, at each period of its existence, must always have its laws answering to the needs of its own civilization. Should there be certain trends that will try to obstruct the laws, or that are antagonistic to that civilization, the law must not adjust itself to them. For, as I have pointed above, there will be no equilibrium, no harmony between the situation and the laws. The laws must thus arrest those trends which run counter to the civilizational trend of the society in question.

It is only by so doing that social justice could be possible of achievement. The fact is, therefore, as Kohler has rightly put it, that "man is not merely observing an unfolding destiny, but is struggling to overcome illogical elements which threaten and obstruct that destiny".⁽¹⁾ These illogical elements are due in part to our failure to cope with the dynamic changes befalling society, and to the existence of certain obsolete institutions and laws which have had their role and are needed no more.

There is always, therefore, a constant struggle - and there must be - between 'new situations' and already existing laws and institutions which pertain to different 'situations' no longer in existence. And it is always in so far as we are able to understand and be fully aware of the new occasions and circumstances that we achieve a better social justice. The societies of our century would never allow a Louis XIV to say "I am the State", mainly because that attitude belonged to the 17th century. It does not belong to, nor can it be of the essence of, the 20th century. In fact we notice how the nation-state has replaced, and in certain societies is replacing, the power-state. It is the nation nowadays that can say I am the State, and not the individual. Accordingly, it is the nation that can decree the laws and not a mere potentate or even a group of people whose interests are in flagrant opposition to those of the nation as a whole. Our social existence is thus national. And I believe

(1) Stone, Op. Cit., p. 335.

that it is only as such that we can grow, develop, and approximate a realization of ourselves not qua individuals, but qua a social group, a nation.

In this connection I find myself at an advantage over Marxian thought. The doctrine of the Communist Manifesto is in a violent contradiction with the social reality. For, in claiming that all that exists in society is but two antagonistic classes - the bourgeoisie and the proletariat, The Manifesto has committed the greatest error. If one of the external manifestations of our social history is the outward struggle between those who have and those who have not, namely, only in the economic field; we should not make - as Marx has done - the hazardous and completely erroneous conclusion that the history of society is the history of the struggle between classes. This misunderstanding of the social reality on the part of Marx is responsible for all the chaos that reigns today in most of the societies where communists brag at their remedies and their ability to better the situation. It is an incredible error that which Marx has fallen into. How could human history be no other than the manifestation of struggle between two or more economic classes for economic preponderance and ascendancy? Has not Marx magnified, and erroneously, the economic element?

To him there exists in our modern society only two classes: the bourgeoisie and the proletariat - in a perpetual animosity. But this situation cannot obtain. For these two classes cannot live as such in a state of perpetual animosity. Then one must

perish; the bourgeoisie must go. So 'workers of all countries unite'; get armed, for you have no country but your class - and 'let the world tremble at the Communist Revolution. You have nothing to lose but your chains. You have the whole world to win'. (sic)⁽²⁾ This is how Marx would solve the problem of social justice. But I see no solution in it at all.

But Marx was wrong in his categorical affirmation of the incessant struggle between classes. Marx was not a true historian; and he did not fully understand the impact of social development. If the workers are exploited, as they actually are under capitalism, that does not mean at all that they have no country and that the class is the ultimate social reality. Even though workers in the whole world may grumble at the dire situation in which they are, or ask for a raise in wages, or a better social standard - but that does not make of the Syrian worker, the American worker and the Russian worker one and the same thing. The difference in mentality, temperament, social development, or cultural standard, obtaining in practical life, has to be taken into consideration. The national experiences of a particular society are different from those of any other nation. The solution of the problem of social justice in general and economic justice in particular must come from within the nation itself, every nation. If the workers of all countries share with each other the fact that they are workers and that they are not very well treated, that does not necessarily make of them a separate

(2) Communist Manifesto.

'nation', and a separate cause. All of us are human beings, and this is a more inclusive category than 'workers', and yet not all of us belong to one nation. The fact that we exist as national societies must be the starting point for the solution of any problem of social justice. And I am sure that the lot of the workers will not be improved if this fact is kept in the background, or if it is dropped altogether. "Le sentiment national de tous les peuples s'est affirmé et s'affirme avec une intensité qui dépasse toute expression et qui ruine du fond en comble l'affirmation catégorique de Marx."⁽³⁾ In this connection I say that any doctrine that persists to eliminate the 'Idée de patrie' or the national spirit, and to deny its influence and force, will finally condemn itself to utter impotency.

Again Rousseau has fallen in the same error as Marx. The former has affirmed categorically also that man 'is born free but every where he is in chains'. This is not true at all. Man is neither born free nor chained. But he is born to and not even into, a state of freedom. Man is born to struggle, to fight, to live in conflict, to achieve his destiny and to realize himself. Man is born to become free. Yet man cannot realize himself in a vacuum. Society is thus the context in which man lives and struggles to emancipate himself. But this realization of self, which is the maximum of justice, is achieved the more man becomes 'social' and the less 'individual'. As such, therefore, the individual, as a unit, is a mere potentiality. He actualizes him-

(3) Leon Duguit, Le Droit Social, Le Droit Individuel, et la Transformation de l'Etat, (Lib. Felix Alcan, Paris, 1922); p. x.

self when he becomes more socially aware of his existence not qua one, a unit, but qua a whole society. Accordingly his end is not his 'self', but 'himself' i.e. not his individual well-being and happiness as such, but his social well-being and happiness as a social being, as a member of society. Unless, therefore, we consider the end of society prior to our individual (necessarily selfish) ends, we cannot possibly achieve social justice.

Our speech is not one of individualism. The pure individualistic conception neither corresponds to the facts nor to the ideas of our period. We should get rid of this conception not only in economic life, but also in political and social life. It is high time - and especially for my own Syrian society - to adopt the social conception which, I believe, is the sole remedy for all the social, economic, and political diseases, from which my nation suffers. The capitalist system of economy is, I believe, obsolete. It can no longer serve its own purpose because it is based on the individualistic conception of social life, and economic interaction. Even the capitalist countries have done away, and to a large extent, with the economy of Laissez-faire. The worker need no longer be considered as economic or industrial automaton. We need not even keep that sharp distinction between his illusory sovereignty before the poll and his complete economic slavery in actual social life. Or as Duguit puts it, "Devant l'urne, il est souverain; à l'usine il est sous le joug".⁽⁴⁾ We should start to think of the workers first as

(4) Ibid., p. 45.

human social beings, members of society, before we think of them as workers. Society must thus regulate economic relations between the different members. And the idea of class and allegiance to it must be abolished. For all allegiance and loyalty must be to society as a whole. People, must therefore, feel and know that others also have to live. Thus no one must work for his own personal, selfish gain, but for society. It is only with such an idea in mind that we can raise the standard not only of the workers, but of the whole social group.

But such a stage of social cooperation, necessary for the achievement of social justice, must rest on the inviolable rule and the unshakable foundation of social solidarity. Man, as I have said above, exists as a social being, a member of society and has never been like a Crusoe, entering society by an act of will. The Social Contract theory is basically wrong. There was never a state of nature nor a compact. There was man, born to a state of sociality, freedom, and self-realization. His social life, as is manifested today by his existence in society, is the result of his consciousness of himself as a social being. Everything else that has accompanied this evolution since his congenital and primitive existence has been a manifestation of awareness, an expression of consciousness, and an unfolding of destiny. The epochs through which man has lived have been the experiments of achievement which he had fulfilled. But epochs change, and with them society changes - and the absolute lines of social life are forever being created in every epoch and so-

ciety. And whenever illogical elements, resulting from obsolete, but obstinate institutions, arrest the civilizational trend of a particular society, we find that there are only two alternatives before it:- either to arrest these illogical elements (such as obsolete institutions and laws) which obstruct the path of evolution, and hence to move forward toward social achievement; or to be arrested by these illogical elements, and hence fail and decline. The challenge is, therefore, always there before every society. The response, however, depends upon the degree of social awareness which that particular society has achieved.

At the same time the study of history has always shown that societies in the process of their cultural and civilizational development pass through a seasonal cycle of growth in which their ideals are not only absolute with respect to their relative existence, but also with respect to other societies affiliated with them. What each society will try to do is to lengthen its seasonal cycle of cultural and civilizational existence. This is only possible if the society is able to arrest those illogical elements which tend to check its civilizational growth. Moreover, our epoch shows a tendency of limiting the sphere of individual rights as against the sphere of 'social' or 'cultural' values. The tendency of law has, in fact, been "to decide how far the advantages of life are to be distributed among men and how far they are to be retained undistributed in the immediate control of society as a whole".⁽⁵⁾ The difference that obtains between Demo-

(5) Stone, Op. Cit., p. 336.

cracy and Communism, or Democracy and Fascism or Nazism is, to a certain extent, resulting from the decision which society takes as regards the distribution of the advantages of life.

The fact of social solidarity is at the foundation of the achievement of social cooperation and social justice. Any society, in the process of its civilizational growth, tends towards it. And as society changes, so also change the means conducive to social solidarity. Our modern interpretation of 'equality' or 'liberty' is essential to our present civilizational status. The insistence on economic security is fundamental to harmonious social relations. This change in the meaning of the concepts of 'equality' and 'liberty' is a manifestation of the dynamic transformation of both the world of existence - the material - and the world of thought - the spiritual. In most cases, however, it is the world of thought that changes more rapidly than the world of existence. Our failure to cope with this change and adapt it to our material existence is the cause of the existence of obsolete institutions or even concepts which check our progress towards social solidarity.

Accordingly, individuals are obliged, because they are social beings, to obey the social rule, namely, social solidarity. For it is on such a rule that a harmonious social cooperation could be envisaged. Any violation of this rule entails a reaction on the part of society, which takes different forms, depending upon both time and place. A more civilized society will not react in the same way as a less civilized society. The reaction

is thus dependent on the civilizational degree and the social awareness of each particular society. Likewise the fact of solidarity is not identical in all societies. Different societies may betray different aspects of social solidarity. In fact it is in a state of perpetual change - depending on both time and place. It derives itself from the structure of societies which are always infinitely variable, and follows the diversified forms of life which our societies portray.

If we depart from this fact and stipulate an ideal, already prescribed law - something like natural law - we will be complicating matters and making almost impossible the solution of the problem of justice. There can be no ideal natural law which is valid for all times and places. Moreover, this concept of natural law rests on the conception that individuals have certain rights which are innate and inviolable. In fact individuals, as units, have no rights whatsoever. As social beings, members of society, they have duties, not rights, toward themselves, namely towards society. Even if we talk of rights, that does not mean at all that each is free to exercise his own right in his own way. Freedom of speech should not mean the right to slander; nor should freedom of association mean the right to sabotage; nor should economic liberty mean that capitalists should enjoy all the fruits of labor. These so-called rights are in their highest expression 'duties' on the part of the individuals to society. They obtain from the very fact that man is a social being and that society is the context of man's life. Or as

August Comte put it, "Dans l'Etat positif qui n'admet pas de titre celeste, l'idee de droit disparaît irrevocablement. Chacun a des devoirs et envers tous, mais personne n'a aucun droit proprement dit... En d'autres termes nul ne possede plus d'autres droit que celui de toujours faire son devoir".⁽⁶⁾

The doctrine of natural rights should not, therefore, be at the basis of the fact of social solidarity. And to think that such a doctrine is capable, when enforced, of limiting the power of the state is to say that a crippled can wrestle with a prize fighter, and win. Yet I cannot deny that the doctrine of natural rights was an epoch-making event. Nobody denies the uniqueness of that moment in history when the Declaration of Rights of 1789 was issued. But what has this doctrine achieved in the form of social cooperation and social justice? It has remained an a priori deduction of an a priori conceived law or order of things, which cannot concretely exist as such in our society. Even theoretically the doctrine itself is untenable. The dilemma of Locke is an instance of this. He denied metaphysically the existence of a priori ideas but affirmed politically the existence of indefeasible rights! Again he wanted to safe-guard the individual from the tyranny of the majority; and at the same time he wanted, and desperately, to safeguard the majority from the tyranny of the despots who ever they were. Rousseau did no better than Locke. For he admitted that it is only the sovereign who is to judge how much should each individual

(6) August Comte, *Systeme de Politique Positive*, (ed. 1890, I) p. 361; see also Duguit *Op. Cit.*, p. 13.

alienate of his power, goods, or liberty; in other words of his 'rights'.⁽⁷⁾ The sovereign can thus limit the so-called rights of the individual. It so seems therefore that rights of the individual are dependent on the wishes of the sovereign. And in this connection I find myself able to say that in parliamentary democratic societies it is the majority in parliament which decides for the rights of the individuals. Nothing innate, or indefeasible seems to exist. For as majorities change, so the so-called individual rights change.

Moreover, what did these declarations of individual rights accomplish? History tells us that the Declaration of Human Rights of 1789 did not prevent the bloody tyranny of the Convention (The Reign of Terror), nor the despotism of Napoleon, nor the First World War. Nor did the League of Nations prevent armed conflict, or the Second World War. And there is every indication that the new Declaration of Human Rights adopted by the United Nations will not also prevent the world from undergoing a Third World War. And although the new Declaration of Human Rights is different from what preceded it, and although the United Nations Organization seems to be more powerful than the League of Nations, yet there is no indication that they are final and, hence, capable of solving all the problems that face our modern societies. There is no evidence, again, of the existence of an historical law that says that polite manners or 'justice' shall triumph. In history it has always been, as James Burnham

(7) Rousseau, Social Contract, Bk. II, Ch. IV.

has so rightly put it, "the question of whose manners and whose justice". Every new order of society has to break through the old moral codes just as they break through the old economic and political institutions. "Naturally, from the point of view of the old, they are monsters. If they win, they take care in due time of manners and morals".⁽⁸⁾

Likewise morality is no other than the "code of behavior" which society imposes on its own members. "There is no arbiter between rival ethics except history itself as it unrolls".⁽⁹⁾ Thus every society - we may say - has its own code of morality. But at the same time more than one society may share in the same moral code. That will be the result of the affiliation of more than one society to a particular civilization. Hence the truth is that "war up to the present and into the discernible future, is a normal and integral part of all human societies.... To say this is not to praise war or consider it a 'good thing' but only to tell the truth".⁽¹⁰⁾ This is a fact, whether we like it or not. We live in a perpetual state of struggle. Ultimately it is always the more strong spiritually and materially who will win. In history it has been always the 'strong' and 'self-assured life' which has triumphed. Morality is thus no absolute or eternal principle revealed to man by God or even innate in the mind of man. In its most highest expression, as Robertson says,

(8) James Burnham, The Managerial Revolution (Pelican Books, Harmondsworth, Middlesex, England, 1945) p. 191.

(9) Robertson, Morality in World History, (Watts & Co. London, 2nd imp. 1945) p. 111.

(10) Burnham, Op. Cit., p. 200.

it is a function of social groups evolving as they evolve. (11)
Moral values are thus inextricably linked to 'social awareness'.
And morality is, therefore, an index of social solidarity.

The dynamic transformation of society is thus the salient feature of our human existence. Accordingly, institutions, laws, and ideals have to change with society, lest they check the achievement of justice. But likewise, if law is held as commanding obedience and, therefore, obligatory, only when it conforms to certain rational, immutable principles that are the same at all time and in all places - no social justice can be achieved at all. The doctrine of natural law does not solve the problem of justice, because it is static and rigid. Social justice is capable of achievement only when the law conforms to the actual conditions of life of the dynamically changing society. Thus as society evolves, so law must evolve with it, and morality too.

The problems of today need new solutions. The laws of the 19th century societies do not conform to the actual conditions of life in our societies. Excessive individualism, or even individualism itself, is no more the 'mode of existence' in society. We need to think of ourselves more as a group, as society, than as separate entities or an aggregate of individuals. We cannot possibly hope to achieve social justice in our present societies when we still think in terms of 15th century society. We have, thus, to understand our social environment before we can enact

(11) Robertson, Op. Cit., p. 117.

laws which conform to it. Moreover, it is more incumbent on us now than ever to know that in history, it is always the 'strong' and the more 'self-assured' life, which succeeds; that there is no historical law that says that "polite manners" and "justice" shall triumph. It has been in history the question of "whose manners" and "whose justice". The law of history does not provide life for the weak - both spiritually and materially. The fate of the weak has always been one of utter humiliation. The statement of the Athenian envoys to the people of Melos will always hang over the weak as the judgment uttered by the strong: "You know as well as we do, that right, as the word goes, is only in question between equals in power; while the strong do what they can, and the weak suffer what they must... Of the gods we believe by tradition; and of men we know for a fact, that by an irresistible law of nature they rule wherever they can".⁽¹²⁾

But strength is not material only, nor spiritual - but both. And a nation will thus not become sufficiently powerful to stand against the rising tide of history, except when its members have achieved a state of homogeneous inter-relation and social harmony. The achievement of social justice within society is dependent on the degree of social awareness which the members have, and the degree of social achievement which that society has reached. Social justice is thus the manifestation of harmony in society;

(12) Thucydides, The History of the Peloponnesian War, Bks. I 76, II 63, V 89 and 105.
See also Ernest Barker, Greek Political Theory, p. 74.

an ever changing 'harmony' in an ever changing 'society'. Without this principle of harmonious interaction the duties of the individuals within society may clash; or the rights of the individuals to do their duties may be violated. It is this principle, (drawn from the unity of interests, life, and purpose, of a society), which prevents individual interests from profaning the sacred integrity of society by acting contrary to its fundamental interests. At the same time, I believe, we have to be aware of the indubitable fact that conflict will always go on between, what Laski calls, 'tradition and experiment'. And it is always history that has the final verdict. But, without that realistic awareness of what the real issue of our social life implies, we shall not be able to save ourselves from the 'grim rigours' of a new dark age'.*

* Laski, Op. Cit., p. XXVII.

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An Abstract of the Thesis

JUSTICE: ITS THEORY AND PRACTICE IN MODERN SOCIETY

The problems of our Modern Society are in fact manifold. It will be asking too much if one is requested to subsume them under one general heading. Never the less, I had to take this very hazardous step and classify them under the general heading of Social Justice. By this I mean all the problems pertaining to our life as human social beings. But it is not within my power, or any-body else's, I am sure, to treat all these problems in a Thesis like this. My awareness of this difficulty made me limit my analysis to the most significant of them. However, these problems remain the most fretting problems of our life. And that, I believe, is the cause of the confusion which we are in at present. We have been trying desperately to solve them--and that is how we realize ourselves--, but we have had the wrong approach. We have almost misunderstood, and to a certain extent failed to create that harmony between the world of thought and the world of existence. In most cases we have been ignorant of the identity of our real social existence. We have been either 'blind' to the realities of our social life, or have

.../...

been so open-eyed that we have become dazzled, and thus failed to see ourselves in our real context. That is how I have seen the situation of Modern Society.

Something more, however, must be added. Ours is a period of transition, and many refuse to find it so. We have reached to the end of the road that we have started a few centuries ago. The old ideas and ideals of the French Revolution and the Industrial Revolution are old-fashioned now. They can no longer be the basis of our 'social life' for many years to come. We are in fact at a cross-road: whither to look and whither to go. We have been living witnesses to three major experiments in social life, (Fascism, Nazism, and Communism), besides the democratic, which our Modern Society has begun some three hundred years ago. Two of them have met their temporal and momentary fate-- their Fate in history is not yet decided. The third, i.e., Communism, is still fighting for its life. Many may think that its is a losing battle. Others are not so optimistic.

All of these experiments, however, were trying to do away, and to a large extent, with the injustices of the Modern Era. All of them were anti-capitalistic, and therefore anti-individualistic, and anti-liberal. Never the less, each one of them thought that its system was the only democratic system that could exist:-- each, however, having its own definition of Democracy.

As I have said in the Introduction, our problem is not one of theory, or practice only, but one of practical theory. There is no use in imagining ideas and trying to put them in practice. They wo'nt

work, because they do not pertain to the world of existence, real and factual existence. What I have tried to show in the Thesis is this: that we have got to separate between the world of thought and the world of existence in so far as such a separation is possible, namely, in so far as the former does not conform to the latter. Ideas like institutions, become obsolete. And thus, like institutions, they must be completely cast away. In our Modern Society there are many 'ideas' and 'institutions' that have reached the stage where they can hinder and ^{not} accelerate the progress of societies. Capitalism, as the institution of social life in general and economic life in particular, and individualism, as the idea that has been for centuries the backbone of social organization-- must be left aside, dropped and neglected. They have had their role, and are needed no more. The road ahead of us needs new equipments, which neither capitalism nor individualism, can furnish. Democracy must no longer be identified with private gain and natural rights.

Again the Thesis does not believe in absolute solutions or panacea. The problem of Justice, despite its being the major problem of every society in the world, is peculiar to every single society in so far as it is different from the others. Thus while all human beings aspire to achieve Justice, its achievement varies with each society. Yet we notice sometimes that different societies might have the same postulates of law, and tend to the same achievement of Justice. Such societies are called 'Affiliated'-- i.e. there are certain common elements that link them together. Such elements are

due to the incessant interaction between them. It is only those societies that are either in their primitive stages of development, or that have been completely closed against any infiltration from the outside, that differ in their concepts and achievement of law and Justice from what I have called the ' Affiliated Societies.'

But any achievement of Justice is not possible ^{through} save/a true understanding of our social reality. A perverted view of social existence will always lead us far away from our noble end-- the achievement of Justice. Thus Communism, Fascism and Nazism are condemned because of their perverted view of society and social existence. Our ideal must not be an alien ideal, but one which is derived from our actual existence, our real existence. We need to visualize an/ ideal society which we can achieve, and not which we can think of only. The logical ~~xxxx~~ validity of every theory of social life must correspond to the reality of ~~xxxx~~ social existence. This is the only possible way for the achievement of Social Justice.

With these ideas in mind I have stressed the fact that the postulates of law, and hence the achievement of Justice, must vary with every ' Civilization', namely, with every new outlook on social existence. Thus so long as the world of thought differs from the world of existence Justice cannot be finally established. Harmony must at first be achieved between these two worlds before an approximation of Justice is reached.- an ever changing harmony in an ever changing society. Likewise all postulates of law which

run contrary to the civilizational trend, or which, as illogical elements, obstruct the cultural and civilizational progress of society, must be completely neglected. Obsolete laws hinder and do not accelerate the emancipation of man towards self-realization.

Finally, I did not attempt in the Thesis to elaborate a new theory of Justice. What I did was to lay down the foundations for a better achievement of Social Justice. One thing is, however, clear and certain: that in such a world as we live in, universal and permanent panaceas are a scientific impossibility, a mere illusion.

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