THE PRAGMATIC APPROACH TO JUSTICE

With the pragmatic notion of justice, we pass to a theory rejecting the age-old traditional ideologies and values as out-dated and unproductive. Instead, it built in their place a facade of truths which instead of being vacuous abstractions, reflected the scientific temper, workability and utility. Concepts like justice, law, right, freedom, good, truth and above all, the concept of humanity, bore a new colour and had to pass through "the corridor of pragmatism" as the young Italian pragmatist Papini has pointed out.

Pragmatism, as a movement emerged towards the end of the nineteenth century and had kept the conscientious mind under the spell of its far-reaching consequences at least for the first quarter of the twentieth century. Pragmatism as a concept was first enunciated by Charles S. Peirce to be widely circulated by the brilliant and lucid essays and lectures of William James and finally took a clear form in the dissemination of its germs by John Dewey and F.C.S. Schiller in the institutional life of America.

It was Peirce who coined the word 'Pragmatism'. It is derived from the original word 'Pragma', meaning
act or deed. The sole aim of giving such a name to the new movement is to show that words are meaningful only when they have some practical bearing. Meaning of a word does not lie in evaluation but in successful practical activity.

Pragmatism was first enunciated as a method, a method to test words and ideas. It does not involve itself in hair-splitting discussion nor does it intrude into the sphere of abstractions and traditional dogmas. It wanders in the field of concreteness and actions. It hovers around words, theories, ideals and norms which are translatable to action of some sort. It is this practical attitude towards the social problems that constitutes the method of pragmatism.

"It has no dogmas, and no doctrines save its method."

Though grouped under one banner, the founders of such a thought do touch different aspects of pragmatism. Even, they are sometimes not in unison when each of them propound pragmatism of different kind. Peirce specially confines himself to the field of logic and science; James to the field of psychology, religion and truth, and Dewey absorbs himself with the principal questions of ethics,
education, and social thought. In spite of these differences, they are not detached from the basic thread of the pragmatic temperament when they disdained theoretical constructions and filled up the barrenness of the age-old dogmas with a practical touch by revamping them in the spirit of their new method. They argue that there must be a close connection between thought and practice. Thought without practice is meaningless and must be abandoned. The pragmatist

"turns away from abstraction and insufficiency, from verbal solutions, from bad a priori reasons, from fixed principles, closed systems, and pretended absolutes and origins. He turns towards concreteness and adequacy, towards facts, towards action and towards power."2

Pragmatism is found at the cross-road of empiricism, utilitarianism and science in one hand, and the rationalistic and idealistic trend on the other. It tries to justify theoretical enterprise on the ground that thought has to terminate in action of some sort. It brings about harmony between the two prominent philosophical trends: empiricism and rationalism, by unifying the realms of fact and value to establish a creative and progressive philosophy in the place of a stagnant one.
In this chapter, I wish to confine my discussion to the pragmatic theory of justice of William James and of John Dewey. Neither James nor Dewey, nowhere in their writings, have explicitly treated the concept of justice. An humble attempt is being made to reconstruct the pragmatic theory of justice. The Pragmatists are against the static morals and customs. Any moral that grows or changes at the demand of the time is to be treated as just. Actions of an individual or of a state can be justified if they fulfill the need of the community, and ameliorate the miseries of man. Actions are adjudged as per the social need. A social norm, a set of morals or for that matter any action cannot be just in itself. Justness is not an inherent quality of a social norm or a moral code or of an action. Justness does not belong to them, rather it is attributed. They are just, not because they are intrinsically so, but because they acquire it as a quality.

Therefore, for the pragmatists like James and Dewey, concepts like "Justice" and "Injustice" are products of society and are relative to it. What is just for a society at one time, may not be so at another and what is unjust for one society may not be so for another. The concept "Justice" is, therefore, relative in nature.
The pragmatists accept 'justice' to be a social concept. It is not a presupposition of the society rather a product of it. With the change in the social system, the concept bears different colour. The conceptual variance of 'justice', therefore, is proportionate to social change. As a concept, 'justice' grows by acquiring different meanings at different time and place, shedding its outworn and outdated feathers. As 'Truth' grows, likewise 'Justice' grows. It is not like the 'Absolute Spirit' of Hegel that subsumes all differences and contradictions under it. It is something which is a unity in diversity. The pragmatic 'justice' does not grow in the Hegelian sense. Rather, it casts off the useless elements in it as it grows.

As justice is relative to the society which transforms itself at the need of time and place, it is not a supreme virtue. It may be one of the virtues. Justice is not absolute. It is not objective, rather subjective to the social need. The pragmatists do not admit of a fixed, objective, static and supreme conception of justice. They feel at home with a concept which is mobile, constructive, receptive to social changes, and which is capable of growing like a snowball as it glides further. Justice is relative to different social organisms. What is just
at one time and in one society may not be just at other
time and in other society. To the pragmatists, justice
is not the supreme, static, fixed and objective virtue
of the idealistic thinkers. It is not that societal
behaviour is supported by justice, but that justice gets
its support from social needs. A pragmatic conception of
justice is not self-evident and self-justifying.

James has talked much about social and moral
values. But nowhere he has made the concept of justice
explicit. A Jamesian conception of justice can be extrac-
ted from the core of his philosophical contributions.

Even though, an anti-rationalist in attitude,
James does not altogether do away with the values and
ideals of the rationalists. He filters out the residues
from the rationalistic ideals through the empiricistic
principles. As a method, said James, pragmatism rejects
rationalism chiefly because, it is dogmatic and presumed
to give conclusive answers about the world in terms that
frequently left the issues of life untouched. Ideals and
conceptions, abstractions and a priori reasons are to be
considered from their "practical consequences", "useful-
ness", and "workability". In several pronouncements,
James has asserted that truth of values and facts, consists
in what works. He is so radical that he has described the meaning of words as their "cash-value". What is expedient to the social good, is just and moral. The value of true ideas, is therefore, derived from the practical importance.

As expediency is the best policy in pragmatic thought, it is obvious that there is no fixed and definite code of conduct for all times. A code of social conduct which is expedient for the time being may not be beneficial always. In the face of a better code of conduct emanating greater benefit and practical consequences for the society, the old gets rejected as outdated. Codes and values, thus, are considered on their positive significance. Codes of conduct vary with the change of social goals. A sense of justice or morality is also dependent on such goals. With the change of temperament of the people, the concepts change. Concepts like, justice, morality, law, right and freedom are nothing but the concretion of the temporal social goals. So, concepts must be the incarnation of the pragmatic bearings of the society.

James has repudiated most of the philosophical theories as devoid of any direct bearing to fact and experience. He measures everything according to his
method. The method is his basis of standardization. Anything that works well in a better fashion than the existing one is welcomed as just. Actions of human beings fulfilling this aim are just and state legislations to be made must aim at and be weighed by this pragmatic standard.

The eternal values like justice are made to be the result of the will of individuals or that of the state. James seems to make justice subjective. But I wish to suggest that it is a value concept, not a descriptive one which can be translated into factual experiences. It is a value to which all social values have to approximate. Different social values can be rated in so far as they approximate to the supreme virtue - Justice. It is not something which can be validated. It is itself valid.

If the Jamesian stand-point is to be taken for granted, then validity will be confined only to the present. Anything past is outdated and rejected which must recede to oblivion and abstraction, to the world of dogmas. How can a set of principles which are valid at one time be invalid at another? Does James take the temperament of the people to judge what is just or unjust, valid
or invalid, right or wrong, good or bad? I wish to suggest that an emotive standard is not a genuine scale to measure values. The pragmatic concept of justice treats the same thing to be just at one time and unjust at another. 'Justice' is not something like a chameleon that changes its colour at the demand of the surroundings. Is there nothing called universal or intrinsic value? Are all social values, including justice, puppets in the clutches of time? Does their importance vary in accordance with human emotions and temperaments? Do they carry different meaning at different time?

In pragmatism, conventions and traditions are not taken into account if they do not have any constructive role. But conventions upholding the human values should not be ignored for the sake of an extraneous end. A theory overruling the humanistic tendencies is not amenable to human reason and should be treated as unjust.

For the pragmatists, truth and validity of ideals rest in their verifiability. Ideals are not true and just by their merit. They can be revealed if at all they can be reduced to experiential facts of some sort. Pragmatism, in rejecting the transcendental status of values and ideals, has put the cart before the horse. It justifies an ideal
by its end. I wish to suggest that something which is not just and moral by itself cannot acquire the same from vacuum when it is put to actual practice. This shows that justness belongs to, and not acquired by the values. It is not that values are just, because they are translatable to some constructive practices, but because they are just and moral in themselves. The process of verification just confirms their validity. A rationalist will characterise the principle of verification as follows:

"merely signs of its being, merely our lame ways of ascertaining after the fact, which of our ideas already has possessed the wondrous quality."3

An anti-idealist in attitude, James leans towards utilitarian stand-point when he intends to subdue the fundamental rights and liberties of man to the pressure of his pragmatic outlook. To the pragmatists, human values are meaningful not by their essences but by their uses. This is the mistake committed by James in treating such eternal and noble values to be secondary. Human personality, his liberty, and right should be protected at any cost. Man is a value concept. As such, a human being should be treated as an end but not as a means. To subject human values to a gross pragmatic test, is the most debased thing
on the earth. They should not be measured from a quantitative standpoint of profit and loss and should not be subjected to a method of trial and error to unravel their practical utility. They stand aloft as supreme ideals, far away being amenable to the pragmatic method. A fluctuating concept of pragmatic justice fails to stand.

John Dewey squares no better with his moral concepts. Possessing strong confidence in human potentialities, he offers a modified optimistic theory. He admits and respects human values. For him, values cannot be treated in isolation. They must be viewed in and through experience. By contrast, Dewey offers an experimental empiricism drawn from the method of science

"which finds values to be identical with goods that are the fruits of intelligently directed activity."

This theory could succeed in bridging the most persistent and noxious of "dualism" - the separation of science and values, knowledge and morals. His outlook is shaped by a philosophy of change, progress and dynamism in contrast to morbid and static ideals.

Dewey emphasizes upon a scientific approach to ethical problems and insists that statements of value are
meaningful only when they make reference to verifiable practical consequences. This is as good as saying that moral judgements are capable of some sort of empirical confirmation. Values are to be settled by experienciable facts. This has excited Brand Blanshard, when he asks,

"Does Dewey mean that problems of value are merely problems of fact, that questions of duty, or right and wrong, of better and worse, are to be settled by observation in the same sense that the question can be so settled whether a chair has four legs?"

and then he concludes,

"The answer is yes, he does."

Dewey ventured to have a naturalistic and reflective definition of moral values.

Inspired by the dynamism of Hegel and the Darwinian naturalistic interpretation of man, Dewey chalks out his new theory of values and morals. He has got a strong confidence in human potentialities, specially his intelligence. Man changes his behaviour, and reacts suitably to the changed problems of life. Value is not transcendental. Values change. Customs, cultures and above all, the desires of men change with the change of time.
Moral standards arise out of customs and need of the people. To do this, is to stop deifying the eternal rules by which human beings will be governed for all times to come. Temperaments change. Attitudes, desires, and the aims of life change from time to time which fail to cope with an unchangeable social norm. With the change of social behaviour, the norms must change. They must be transformed proportionately to suit the changed climate. Or else, an irreparable cleavage will remain which will become very difficult to be patched up - to keep correlation between values and its applicability. Dewey further points out that it is not that values change of their own accord, but the scientific intelligence takes resort to new values, rejecting the old ones. As conditions change, rules may become outmoded and the conduct they prescribe no longer serve the needs of society. When this happens, their critical revision becomes imperative. According to Dewey, moral and social values,

"Instead of being rigidly fixed, they would be treated as intellectual instruments to be tested and confirmed - and altered - through consequences effected by acting upon them. They will lose all pretence of finality - the ulterior source of dogmatism."
Human mind is not bestowed with a set of ultimate ends and social values to deal effectively with social problems. Rather, it discovers ideals by the help of his intelligence to fight with the new problems. Dewey is allergic to any theory of values or static moral code, whether social, political or economic. He is critical of the "essence" and the "transcendence" of such values.

"A moral law, like a law in physics, is not something to swear by and stick to at all hazards; it is a formula of the way to respond when specified conditions present themselves. Its soundness and pertinence are tested by what happens when it is acted upon. Its claim or authority rests finally upon the imperativeness of the situation that has to be dealt with, not upon its own intrinsic nature..."6

For Dewey, any ideal that is detrimental to social progress is to be abandoned. In such cases, it is the foremost duty of the social reformers to reconstruct the guiding principles in the light of the changed conditions by distilling out the impurities in the previous set of principles.

According to Dewey, all moral and social values have only one aim - the progress and unified growth of the society. Growth lies in achieving the maximum good
for the community. This prevails in the society when every individual enjoys maximum freedom - freedom to operate his critical intellect. As a result, social good is achieved in unison. Good consists in the growth of the individual as well as the community and it is the function of morality to promote this end. A moral principle is just if it pursues the good of the individual and of the community. And such a just moral principle must be verifiable from an empirical stand-point and be supported by reason and facts.

The sense of 'justice' lies, though nowhere Dewey explicitly defines any, in fulfilling such a good - the well-being of the individuals and the community as a whole. Any action that is conducive to such a pragmatic ideal is treated as just. Human liberties and freedom are justified if they are not contrary to such an end. Action of any sort, either of the individual or of the community, to be treated as just, must be inspired by the lofty pragmatic ideal. Human values in the field of ethics, politics and economics will be protected and adhered to if and only if they do not miss this end in their mission. Individuals or the state to be just, must direct actions or legislations towards the sole end of social good. Thus the aim of law and justice, according to Dewey is as follows:
"It is the law of justice (with other such laws) that makes society; that is, it is those active relations which find expression in these laws that unify individuals so that they have a common end... To imagine the abolition of these laws is to imagine the abolition of society;..."

Though Dewey gives primary importance to human talent and has strong confidence in his adjustment to the changed circumstances suitably, its feasibility may be doubted. Men are not of equal standard; they differ in their potentialities. So, it may so happen that the less talented few may fail to cope with the new circumstances so abruptly lodged upon them. Shall they be treated as misfits? Shall they be ignored? If so, can Dewey treat his theory of justice, as bringing about the greatest good of the greatest number? Is he a utilitarian in his stand-point? If it is the case, what right has the community got to deprive a few of their free expression? What right the majority have got to burden an unwilling few with a system allergic to them? I wish to suggest that justice does not lie in suppression but in freedom. It does not lie in overlooking and neglecting a section of the community in depriving them of free expressions. Justice prevails when the talent of everyone is honoured and a social goal is followed so as to suit each and all in equal manner.
Both James and Dewey seek to define social and political concepts in terms of pragmatic uses. Besides laying emphasis on pragmatic uses, Dewey also treats ideas and persons as instruments. The doctrine is otherwise known as instrumentalism. Both the utilitarians and the pragmatists treat persons as means to some other end. They are means either to utility or to pragmatic uses. The pragmatists claim that understanding of society can be adequately done in pragmatic terms. The so-called individual and social values are nothing but means to some other end. I wish to point out in this connection that the pragmatists, like the utilitarians, put the cart before the horse. Instead of defining and explaining society and other related concepts in terms of justice, they seek to define justice in terms of utilities or pragmatic values. The pragmatists, like the utilitarians, treat it as a means to some other end.
REFERENCES


2. Ibid., p. 45.

3. Ibid., p. 143.


6. Ibid., p. 278.